



Plenary sitting

A8-0089/2019

25.2.2019

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa (COM(2018)0473 – C8-0272/2018 – 2018/0249(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

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 regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa (COM(2018)0473 – C8-0272/2018 – 2018/0249(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0473),
 - having regard to Article 294(2) and Articles 77(2) and 79(2)(d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0272/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 October 2018¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0089/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) *In the context of evolving migratory challenges in the European*

Amendment

(1) The Union's objective of ensuring a high level of security within an area of

¹ Not yet published in the Official Journal.

Union, as well as security concerns, preserving the careful balance between free movement of persons on the one hand, and security on the other is of utmost importance. The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy.

freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the ***European*** Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy, ***while preserving the careful balance between free movement of persons on the one hand and security on the other.***

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In the Rome Declaration signed on 25 September 2017, leaders of 27 Member States affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.

Amendment

(3) In the Rome Declaration signed on 25 September 2017, leaders of 27 Member States affirmed their determination to ***ensure*** a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.

Amendment 3

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Actions funded under this Instrument should be implemented in full compliance with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law, the European Convention for the

Protection of Human Rights and Fundamental Freedoms (ECHR), the principle of fair treatment of third-country nationals, the right to asylum and international protection, the principle of non-refoulement and the international obligations of the Union and Member States arising from international instruments to which they are signatory such as the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967. Special attention should also be given to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors.

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The objective of the Union's policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which ***is a precondition for*** the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice.

Amendment

(4) The objective of the Union's policy in the field of external border management is to develop and implement ***the concept of*** European integrated border management at national and Union level, ***in order to facilitate legitimate border crossings, to prevent and detect irregular immigration and cross-border crime and to support the common visa policy,*** which ***should reinforce*** the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice.

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council¹³, composed of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, **is necessary for** improving migration management **and** security.

¹³ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

Amendment

(5) European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council¹³, composed of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, **should help to harmonise border control, thus** improving migration management - **including facilitating access to international protection for those in need of it - and providing increased security by contributing to combatting cross-border crime and terrorism.**

¹³ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Facilitating legitimate travel, **while preventing irregular migration and security risks**, was identified as one the main objectives of the Union's response to the challenges in these areas in the Commission's Communication on A

Amendment

(6) Facilitating legitimate travel was identified as one the main objectives of the Union's response to the challenges in these areas in the Commission's Communication on A European Agenda on Migration¹⁴.

Amendment 7

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) *The European Council of 15 December 2016¹⁵ called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017¹⁶ underlined the need to improve interoperability between databases and on 12 December 2017 the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems¹⁷.*

deleted

¹⁵

<http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>

¹⁶ *European Council conclusions, 22-23 June 2017.*

¹⁷ *COM(2017) 794 final.*

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) To preserve the integrity of the Schengen area and to **strengthen its functioning**, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant

(8) ***In an attempt*** to preserve the integrity of the Schengen area and to **reinforce the security of Union's external borders**, Member States have, since 6 April 2017, been obliged to carry out systematic

databases on EU citizens who are crossing the EU's external borders. **Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation.**

checks against relevant databases on EU citizens who are crossing the EU's external borders, **in addition to the systematic checks already being carried out on all third-country nationals entering the Schengen area. However, it has proven necessary to use targeted checks in place of systematic checks at a number of external border crossing points, on account of the disproportionate impact of systematic checks on the flow of cross-border traffic^{1a}.**

^{1a} Commission statement on the management of flows of persons at the borders between Slovenia and Croatia of 29 April 2017.

Amendment 9

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Commission has also issued Recommendation (EU) 2017/1804^{1a} to Member States to make better use of police checks and cross-border cooperation in order to limit the impact on free movement and to remedy the threat to public policy or internal security. Despite different measures put in place, a number of Member States continue to maintain unlawful internal border control, undermining the basic principle of the Schengen Area.

^{1a} Commission Recommendation (EU) 2017/1804 of 3 October 2017 on the implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border control at internal borders in the Schengen area (OJ L 259, 7.10.2017, p. 25).

Amendment 10

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Financial support from the Union budget is indispensable **to** the implementation of European integrated border management to support Member States in managing the crossing of the external borders efficiently and in addressing **migratory challenges and potential future threats** at those borders, thereby contributing to addressing serious crime with a cross-border dimension while acting in full respect of fundamental rights.

Amendment

(9) Financial support from the Union budget is indispensable **for** the implementation of European integrated border management to support Member States in managing the crossing of the external borders efficiently and in addressing **future challenges** at those borders, thereby contributing to addressing serious crime with a cross-border dimension while acting in full respect of fundamental rights.

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), **inter-agency** cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address **illegal** immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support.

Amendment

(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), **inter agency** cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address **irregular** immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support.

Amendment 12

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) As customs authorities of the Member States have been taking up an increasing number of responsibilities which often extend to the field of security and take place at the external border, **ensuring uniformity** in carrying out border control and customs control at the external borders needs to be **addressed** by providing adequate Union financial support to the Member States. This will not only strengthen customs controls but also facilitate legitimate trade, **contributing** to a secure and efficient customs union.

Amendment

(11) As customs authorities of the Member States have been taking up an increasing number of responsibilities which often extend to the field of security and take place at the external border, **it is important to foster inter-agency cooperation, including information sharing through existing information exchange tools, as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624.** **Complementarity** in carrying out border control and customs control at the external borders needs to be **ensured** by providing adequate Union financial support to the Member States. This will not only strengthen customs controls **in order both to combat all forms of trafficking, not least goods trafficking at borders, and terrorism,** but **will** also facilitate legitimate trade **and travel, and contribute** to a secure and efficient customs union.

Amendment 13

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council¹⁸

Amendment

(12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council¹⁸,

by setting up an Integrated Border Management Fund ('the Fund').

in part, by setting up an Integrated Border Management Fund ('the Fund').

¹⁸ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

¹⁸ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

Amendment 14

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The Fund should therefore be established as a comprehensive framework for Union financial support in the field of border management and visa comprising the instrument for financial support for border management and visa ('the instrument') established by this Regulation as well as *the* instrument for financial support for customs control equipment *established by Regulation (EU) No .../...¹⁹ of the European Parliament and of the Council*. The framework should be complemented by *Regulation (EU) No .../... [Common Provisions Regulation] of the European Parliament and of the Council²⁰*, to which this Regulation should refer as regards rules on shared management.

¹⁹ OJ L [...], [...], p.

²⁰ OJ L [...], [...], p.

Amendment

(14) The Fund should therefore be established as a comprehensive framework for Union financial support in the field of border management and visa comprising the instrument for financial support for border management and visa ('the instrument') established by this Regulation as well as *an* instrument for financial support for customs control equipment. The framework should be complemented by *an instrument laying down* rules on shared management.

Amendment 15

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights.

Amendment

(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights, ***including as regards the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in particular by ensuring compliance with the principle of non-refoulement, the principle of transparency, the principle of non-discrimination and the right to seek international protection. Special attention should also be given to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors.***

Amendment 16

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Those obligations apply equally to third countries with which the Member States and the Union work under this instrument.

Amendment 17

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) The instrument should build on the results and investments ***achieved with the support*** of its predecessors: the External

(16) The instrument should build on the results and investments of its predecessors: the External Borders Fund for the period

Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council²¹ and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014²², and should extend it to take into account new developments.

²¹ OJ L 144, 6.6.2007, p. 22.

²² Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council²¹ and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014²², and should extend it to take into account new developments.

²¹ OJ L 144, 6.6.2007, p. 22.

²² Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

Amendment 18

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, ***burden-sharing***, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as ***third countries and*** other EU bodies, in particular the European Agency for the operational management of large-

Amendment

(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, ***burden sharing***, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in

scale IT systems in the area of freedom, security and justice (eu-LISA), Europol and international organisations.

the area of freedom, security and justice (eu-LISA), Europol and, **where appropriate, third countries and** international organisations.

Amendment 19

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) The instrument should contribute to the improvement of the efficiency of visa processing in terms of detecting and assessing security and irregular migration risks, **as well as facilitating visa procedures for bona fide travellers**. In particular, the instrument should deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The instrument should also serve to ensure wide consular coverage across the world. The uniform implementation of the common visa policy and its modernisation should also be covered by the instrument.

Amendment

(18) The instrument should contribute to the improvement of the efficiency of visa processing in terms of **facilitating visa procedures for bona fide travellers and of** detecting and assessing security and irregular migration risks. In particular, the instrument should deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The instrument should also serve to ensure wide consular coverage across the world. The uniform implementation of the common visa policy and its modernisation should also be covered by the instrument, **as should assistance to Member States for the issuance of visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and for compliance, in full, with the Union acquis on visas.**

Amendment 20

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The instrument should support

Amendment

(19) The instrument should support

measures in the territory of the Schengen countries **that are linked to border control** as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area.

measures **clearly linked to external border control** in the territory of the Schengen countries as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area.

Amendment 21

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) With a view to improving the management of the external borders, to **contribute to preventing** and combating irregular **migration** and to **contribute** to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of large-scale IT systems, **based on existing or new IT systems**. It should also support the **setting-up** of interoperability between those EU information systems (Entry-exit system (EES)²³, the Visa Information System (VIS)²⁴, the European Travel Information and Authorisation System (ETIAS)²⁵, Eurodac²⁶, the Schengen Information System (SIS)²⁷ and the European Criminal Records Information System for third-country nationals (ECRIS-TCN))²⁸ in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID))²⁹.

Amendment

(20) With a view to improving the management of the external borders, to **facilitating legitimate travel, to contributing to the prevention of** and combating irregular **border crossing** and to **contributing** to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of **those** large-scale IT systems **that have been agreed upon by the European Parliament and the Council**. **In that regard**, it should also support the **setting-up** of interoperability between those EU information systems (Entry-exit system (EES)²³, the Visa Information System (VIS)²⁴, the European Travel Information and Authorisation System (ETIAS)²⁵, Eurodac²⁶, the Schengen Information System (SIS)²⁷ and the European Criminal Records Information System for third-country nationals (ECRIS-TCN))²⁸ in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID))²⁹.

²³ Regulation (EU) 2017/2226 of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

²⁴ Regulation (EC) No 767/2008/EC of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

²⁵ COM(2016)0731 of 16 November 2016.

²⁶ COM(2016)0272 final/2 of 4 May 2016.

²⁷ COM(2016)0881, 0882 and 0883 of 21 December 2016.

²⁸ COM(2017)0344 of 29 June 2017.

²⁹ COM(2017)0794 of 12 December 2017.

²³ Regulation (EU) 2017/2226 of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

²⁴ Regulation (EC) No 767/2008/EC of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

²⁵ COM(2016)0731 of 16 November 2016.

²⁶ COM(2016) 272 final/2 of 4 May 2016.

²⁷ COM(2016)0881, 0882 and 0883 of 21 December 2016.

²⁸ COM(2017)0344 of 29 June 2017.

²⁹ COM(2017)0794 of 12 December 2017.

Amendment 22

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) The instrument should complement and reinforce the activities **to implement** European integrated border management in line with shared responsibility and solidarity between the Member States and the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their programmes, Member States should take into account the analytical tools **and**

Amendment

(21) The instrument should complement and reinforce the activities **implementing** European integrated border management in line with shared responsibility and solidarity between the Member States and the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their **national** programmes, Member States should take into account the analytical

operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of border guards, including its components with regard to fundamental rights and access to international protection. In order to develop complementarity between its **mission** and the responsibilities of the Member States for the control of the external borders **as well as** to ensure consistency and **to** avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency on the draft national programmes submitted by the Member States in as far as **it falls** within the Agency's competencies, in particular on the activities financed under operating support.

tools, operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of border guards, including its components with regard to fundamental rights and access to international protection. In order to develop complementarity between its **tasks** and the responsibilities of the Member States for the control of the external borders, **and** to ensure consistency and avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency on the draft national programmes submitted by the Member States in as far as **they fall** within the Agency's competencies, in particular on the activities financed under operating support. **The Commission should also ensure that eu-LISA, the European Union Agency for Fundamental Rights and any other relevant Union agency or body, are associated with the process of developing Member States' national programmes at an early stage, in so far as it falls within the agencies' competencies.**

Amendment 23

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) The instrument should support the implementation of the hotspot approach as outlined in the Commission's Communication on A European Agenda on Migration and endorsed by the European Council of 25 and 26 June 2015³⁰. The hotspot approach provides operational support to Member States **affected by disproportionate migratory pressure at the Union's external borders**. It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and

Amendment

(22) **In so far as the affected Member States so request**, the instrument should support the implementation of the hotspot approach as outlined in the Commission's Communication on A European Agenda on Migration and endorsed by the European Council of 25 and 26 June 2015. The hotspot approach provides operational support to Member States **faced with an emergency situation**. It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and shared

shared responsibility as well as with a view to safeguarding the integrity of the Schengen area.

responsibility, ***allowing the arrival of large numbers of persons at the Union's external borders to be handled humanely and efficiently***, as well as with a view to safeguarding the integrity of the Schengen area.

³⁰ *EUCO 22/15 CO EUR 8 CONCL 3.*

Amendment 24

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In the interest of solidarity in the Schengen area ***as a whole*** and in the spirit of shared responsibility for the protection of the Union's external borders, where weaknesses or risks are identified, in particular following a Schengen evaluation in accordance with Council Regulation (EU) No 1053/2013³¹, the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to that Regulation and in line with vulnerability assessments carried out by the European Border and Coast Guard Agency in accordance with Article 13 of Regulation (EU) 2016/1624.

³¹ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis (OJ L 295, 6.11.2013, p. 27).

Amendment 25

Proposal for a regulation

Recital 24

Amendment

(23) In the interest of solidarity in the Schengen area ***and throughout the Union*** and in the spirit of shared responsibility for the protection of the Union's external borders, where weaknesses or risks are identified, in particular following a Schengen evaluation in accordance with Council Regulation (EU) No 1053/2013³¹, the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to that Regulation and in line with vulnerability assessments carried out by the European Border and Coast Guard Agency in accordance with Article 13 of Regulation (EU) 2016/1624.

³¹ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis (OJ L 295, 6.11.2013, p. 27).

Text proposed by the Commission

(24) The instrument should ***express solidarity and shared responsibility through*** financial assistance ***for*** those Member States that fully apply the Schengen provisions on external borders and visas ***as well as*** those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union's common policy for the management of the external borders.

Amendment

(24) The instrument should ***provide*** financial assistance ***to*** those Member States that fully apply the Schengen provisions on external borders and visas ***and to*** those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union's common policy for the management of the external borders.

Amendment 26

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) To contribute to the achievement of the policy objective of the instrument, Member States should ensure that their programmes address the specific objectives of the instrument, that the priorities chosen are in line with the agreed EU priorities and the implementing measures as set out in Annex II and that the allocation of resources between objectives and actions is proportionate to the challenges and needs they are faced with.

Amendment

(26) To contribute to the achievement of the policy objective of the instrument, Member States should ensure that their programmes address the specific objectives of the instrument, that the priorities chosen are in line with the agreed EU priorities and the implementing measures as set out in Annex II and that the allocation of ***appropriate*** resources between objectives and actions is proportionate to the challenges and needs they are faced with. ***In that regard, it is important to achieve a fair and transparent distribution of resources among the specific objectives of the instrument. Accordingly, it is appropriate to ensure a minimum level of expenditure for the specific objective of supporting the common visa policy whether for measures under direct or indirect management, or for measures under shared management.***

Amendment 27

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Border surveillance at sea is considered one of the coastguard functions performed in the Union maritime domain. National authorities carrying out coast guard functions are also responsible for a wide range of tasks, which may include, but would not be limited to, maritime safety, **security**, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The broad scope of coastguard functions brings them under the remit of different Union policies which should seek synergies to achieve more effective and efficient results.

Amendment

(31) Border surveillance at sea is considered one of the coastguard functions performed in the Union maritime domain. National authorities carrying out coast guard functions are also responsible for a wide range of tasks, which may include, but would not be limited to, maritime safety, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The broad scope of coastguard functions brings them under the remit of different Union policies which should seek synergies to achieve more effective and efficient results.

Amendment 28

Proposal for a regulation Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) When implementing actions funded under the instrument which are related to maritime border surveillance, Member States should pay special attention to their obligations under international maritime law to render assistance to persons in distress. In that regard, equipment and systems supported under the instrument should be used to address search and rescue situations which may arise during a border surveillance operation at sea, thereby contributing to ensuring the protection and saving the lives of migrants.

Amendment 29

Proposal for a regulation Recital 33

(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where the main objective is border surveillance but other objectives could additionally be pursued simultaneously.

(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where the main objective is border surveillance but other objectives ***linked to it*** could additionally be pursued simultaneously, ***such as combating trafficking in human beings***.

Amendment 30

Proposal for a regulation

Recital 34

Text proposed by the Commission

Amendment

(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. ***In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives.***

(34) ***The primary purpose of this instrument should be to support integrated border management at the Union's external borders and to support the common visa policy. However, within defined limits and subject to the appropriate safeguards, certain*** measures in and in relation to third countries ***could be*** supported through the instrument. ***Those measures*** should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question.

Amendment 31

Proposal for a regulation

Recital 34 a (new)

(34a) *The Commission should pay particular attention to the evaluation of actions and programmes related to third countries.*

Amendment 32

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

(35) Funding from the Union budget should concentrate on activities where Union intervention can bring added value as compared to actions by Member States alone. As the Union is in a better position than Member States to provide a framework for expressing Union solidarity in border ***control***, common visa policy ***and the management of migration flows***, and to provide a platform for the development of common IT systems underpinning those policies, financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in those areas.

(35) Funding from the Union budget should concentrate on activities where Union intervention can bring added value as compared to actions by Member States alone. As the Union is in a better position than Member States to provide a framework for expressing Union solidarity in border ***management and*** common visa policy, and to provide a platform for the development of common IT systems underpinning those policies, financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in those areas.

Justification

Migration issues are funded under a separate instrument.

Amendment 33

Proposal for a regulation

Recital 36

Text proposed by the Commission

Amendment

(36) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this instrument, if it has failed to fulfil its obligations under

(36) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this instrument, if it has failed to fulfil its obligations under

the Treaties in the areas of border management and visa, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on border management and visa *or* if an evaluation report under the Schengen evaluation and monitoring mechanism has identified deficiencies in the relevant area.

the Treaties in the areas of border management and visa, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on border management and visa, if an evaluation report under the Schengen evaluation and monitoring mechanism has identified deficiencies in the relevant area, *or if, when cooperating with a third country, the Member State has financed and taken joint actions with that third country which have resulted in breaches of fundamental rights reported by the evaluation and monitoring mechanism.*

Amendment 34

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) The instrument should *reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring* a fair and transparent distribution of resources to meet the objectives laid down in this Regulation.

Amendment

(37) The instrument should *ensure* a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. *It should balance the need for predictability in the distribution of funding with the need for its increased flexibility and simplicity. In order to meet the requirements in terms of transparency of funding, the Commission, with the cooperation of the Member States, should publish information on the development of the annual and multiannual programmes under the thematic facility. The implementation of the instrument should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of the instrument should be as user-friendly as possible.*

Amendment 35

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the **threat** levels at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates.

Amendment

(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the **impact** levels **based on recent and historical data** at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates.

Amendment 36

Proposal for a regulation
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) The mid-term review should be used to assess the effectiveness and Union added value of programmes, resolve problems that appeared during the first phase, and provide a transparent overview of the implementation.

Amendment 37

Proposal for a regulation
Recital 40

Text proposed by the Commission

Amendment

(40) As challenges in the area of border management and visas are constantly evolving there is a need to adapt the allocation of funding to **the** changes in **migration flows**, pressure at the border **and security threats and** steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the funding will be periodically allocated to specific actions,

(40) As challenges in the area of border management and visas are constantly evolving there is a need to adapt the allocation of funding to changes in **priorities for visa policy and border management, including as a result of increased** pressure at the border, **and to** steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the

Union actions and emergency assistance, via a thematic facility.

funding will be periodically allocated to specific actions, Union actions and emergency assistance, via a thematic facility.

Amendment 38

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) The instrument should contribute to supporting operating costs related to border management, common visa policy and large-scale IT systems and should thereby enable Member States to maintain capabilities which are crucial for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives of the instrument and should form an integral part of the Member States' programmes.

Amendment

(42) The instrument should, ***within defined limits***, contribute to supporting operating costs related to border management, common visa policy and large-scale IT systems and should thereby enable Member States to maintain capabilities which are crucial for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives of the instrument and should form an integral part of the Member States' programmes.

Justification

Support for operating costs should be limited, as such expenditure is normally a matter for national budgets and provides no EU added value.

Amendment 39

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union which require additional funding to

Amendment

(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions ***with a Union added value*** which require cooperative effort ***among Member States*** or actions necessary to address

be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of *new* large-scale IT systems and the *setting-up* of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.

developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of large-scale IT systems and the *setting up* of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes *which should be adopted by delegated act*.

Amendment 40

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) In order to strengthen the Union's capacity to *immediately* address unforeseen *or disproportionate migratory pressure*, in particular at those border sections where the impact level has been identified in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council³⁸ as such that it jeopardises the functioning of the Schengen area as a whole, as well as pressure on the visa sections of Member States' consulates or risks to border security, *it should be possible to* provide *emergency* assistance in accordance with the framework set out in this Regulation.

³⁸ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosir) (OJ L 295, 6.11.2013, p. 11).

Amendment

(45) In order to strengthen the Union's capacity to address *immediately* unforeseen, *urgent and specific needs in the event of an emergency situation*, in particular at those border sections where the impact level has been identified in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council³⁸ as such that it jeopardises the functioning of the Schengen area as a whole, as well as pressure on the visa sections of Member States' consulates or risks to border security, *this instrument should exceptionally* provide *financial* assistance *as a measure of last resort* in accordance with the framework set out in this Regulation.

³⁸ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosir) (OJ L 295, 6.11.2013, p. 11).

Amendment 41

Proposal for a regulation Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security and should not, per se, trigger emergency assistance under this instrument.

Amendment 42

Proposal for a regulation Recital 46

Text proposed by the Commission

Amendment

(46) The policy objective of this instrument will be also addressed through financial instruments and budgetary guarantee under the policy window(s) [...] of the InvestEU Fund. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear European added value.

deleted

Amendment 43

Proposal for a regulation Recital 49

Text proposed by the Commission

Amendment

(49) For the purpose of implementation of actions under shared management, the instrument should form part of a coherent

(49) For the purpose of implementation of actions under shared management, the instrument should form part of a coherent

framework consisting of this Regulation, the Financial Regulation and Regulation (EU) No .../... [CPR].

framework consisting of this Regulation, the Financial Regulation and *an instrument laying down common provisions for shared management. In the event of conflicting provisions, this Regulation should take precedence over the common provisions.*

Amendment 44

Proposal for a regulation Recital 52

Text proposed by the Commission

(52) In accordance with **Regulation (EU) No .../... [new Financial Regulation]⁴¹**, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴², Council Regulation (Euratom, EC) No 2988/95⁴³, Council Regulation (Euratom, EC) No 2185/96⁴⁴ and Council Regulation (EU) 2017/1939⁴⁵, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁴⁶. In

Amendment

(52) In accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴², Council Regulation (Euratom, EC) No 2988/95⁴³, Council Regulation (Euratom, EC) No 2185/96⁴⁴ and Council Regulation (EU) 2017/1939⁴⁵, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁴⁶. In accordance with the Financial Regulation,

accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. ***The results of investigations into irregularities or fraud in relation to the instrument should be made available to the European Parliament.***

⁴¹ *OJ C [...], [...], p. [...].*

⁴² Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

⁴³ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

⁴⁴ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁴⁵ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁴⁶ Directive (EU) 2017/1939 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of

⁴² Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

⁴³ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

⁴⁴ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁴⁵ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁴⁶ Directive (EU) 2017/1939 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of

Amendment 45

Proposal for a regulation Recital 55

Text proposed by the Commission

(55) Pursuant to Article 349 of the TFEU and in line with the Commission Communication A stronger and renewed strategic partnership with the EU's outermost regions, endorsed by the Council in its conclusion of 12 April 2018, the relevant Member States should ensure that their national programmes address emerging threats the outermost regions are confronted with. The instrument supports these Member States with adequate resources to help the outermost regions **as appropriate**.

Amendment

(55) Pursuant to Article 349 of the TFEU and in line with the Commission Communication A stronger and renewed strategic partnership with the EU's outermost regions, endorsed by the Council in its conclusion of 12 April 2018, the relevant Member States should ensure that their national programmes address emerging threats the outermost regions are confronted with, ***such as border surveillance, disproportionate influx of people or the deployment of EU information systems***. The instrument supports these Member States with adequate resources to help the outermost regions ***in light of such specificities***.

Amendment 46

Proposal for a regulation Recital 56

Text proposed by the Commission

(56) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016⁴⁸, there is a need to evaluate this instrument on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the instrument on the ground. In order to measure the achievements of the instrument, indicators and related targets

Amendment

(56) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this instrument on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable ***indicators - including qualitative and quantitative*** indicators, as a basis for evaluating the effects of the instrument on the ground. In order to measure the achievements of the

should be established in relation to each specific objective of the instrument.

instrument, indicators and related targets should be established in relation to each specific objective of the instrument.

⁴⁸ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

⁴⁸ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Amendment 47

Proposal for a regulation Recital 58

Text proposed by the Commission

(58) *Through the indicators and financial reporting*, the Commission *and the Member States* should *monitor the implementation* of the *instrument*, *in accordance with the relevant provisions of Regulation (EU) No .../... [CPR] and this Regulation*.

Amendment

(58) *The Commission should present a summary of the accepted annual performance reports to the European Parliament and the Council every year. Upon request, the Commission should make the full text of the annual performance reports available to the European Parliament and the Council.*

Amendment 48

Proposal for a regulation Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) *It is important to ensure sound financial management and legal certainty during the transitional period and throughout the implementation of the Instrument. Actions undertaken during the 2014-2020 period should not be interrupted during the transition.*

Amendment 49

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁰. ***The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the*** advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

⁵⁰ OJ L 55, 28.2.2011, p. 13.

Amendment

(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁰. Advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

⁵⁰ OJ L 55, 28.2.2011, p. 13.

Amendment 50

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund').

Amendment

1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund') ***for the period from 1 January 2021 to 31 December 2027.***

Amendment 51

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. ***Jointly with Regulation (EU) No***

Amendment

deleted

.../... [Customs Control Equipment Fund], establishing as part of the [Integrated Border Management Fund] the instrument for financial support for customs control equipment, this Regulation establishes the Fund.

Amendment 52

Proposal for a regulation Article 1 – paragraph 3

Text proposed by the Commission

3. *It* lays down the objectives of the instrument, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.

Amendment

3. ***This Regulation*** lays down the objectives of the instrument, ***the specific objectives and measures to implement those specific objectives***, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.

Amendment 53

Proposal for a regulation Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ***'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of the Financial Regulation, combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;***

Amendment

deleted

Justification

It is not clear what added value blending operations would bring in the area of border management and visa policy. In particular, it is not clear what actions would be subject to such operations and under what conditions. The Union's policy in the area of border management and visa policy should not be reliant on private sector investment.

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘external borders’ means the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;

Amendment

(4) ‘external borders’ means ***external borders as defined in point (2) of Article 2 of Regulation (EU) No 399/2016*** the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;

Amendment 55

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring ***strong and effective*** European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union’s ***commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in*** the Union.

Amendment

1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union’s ***acquis and international obligations of the Union and its Member States arising from international instruments to which they are signatory.***

Amendment 56

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***illegal*** immigration and cross-border crime and to effectively manage migratory flows;

Amendment

(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***irregular*** immigration and cross-border crime and to effectively manage migratory flows;

Amendment 57

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) supporting the common visa policy to facilitate legitimate travel and ***prevent migratory and*** security risks.

Amendment

(b) supporting the common visa policy to ***ensure a more harmonised approach among the Member States with regard to the issuance of visas and to*** facilitate legitimate travel and ***mitigate*** security risks.

Amendment 58

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Non-discrimination and respect for fundamental rights

The instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis, the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and

with the Union's international obligations as regards fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement.

Amendment 59

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. ***Within the objectives referred to in Article 3 and*** in line with the implementation measures listed in Annex II, the instrument shall in particular ***support*** the actions listed in Annex III.

Amendment

1. In line with the implementation measures listed in Annex II, the instrument shall ***support actions that contribute to the achievement of the objectives referred to in Article 3 and*** in particular the actions listed in Annex III.

Amendment 60

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. To achieve the objectives ***of this Regulation***, the instrument may support actions ***in line with Union priorities*** as referred to in Annex III in relation to and in third countries, ***where appropriate***, in accordance with Article 5.

Amendment

2. To achieve the objectives ***referred to in Article 3***, the instrument may ***in exceptional cases, within defined limits, and subject to appropriate safeguards***, support actions as referred to in Annex III in relation to and in third countries, in accordance with Article 5.

Amendment 61

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 8 shall not

exceed 4 % of the total amount allocated to the thematic facility under Article 7(2)(b).

Amendment 62

Proposal for a regulation

Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 12 shall not exceed, for each Member State, 4 % of the total amount allocated to that Member State in accordance with Article 7(2)(a), with Article 10(1) and with Annex I.*

Amendment 63

Proposal for a regulation

Article 4 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Where an emergency situation occurs, non-eligible actions referred to in this paragraph may be considered eligible.

Where an emergency situation, as referred to in Article 23, occurs, non-eligible actions referred to in this paragraph may be considered eligible.

Amendment 64

Proposal for a regulation

Article 5 – paragraph 1 – point a – point ii

Text proposed by the Commission

Amendment

(ii) third country listed in the work programme under the conditions specified therein.

(ii) **a** third country listed in the work programme under the conditions specified therein, **subject to the condition that all actions in or in relation to that third country fully respect the rights and principles enshrined in the Charter of**

Fundamental Rights of the European Union, and the international obligations of the Union and the Member States.

Amendment 65

**Proposal for a regulation
Article 5 – paragraph 3**

Text proposed by the Commission

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.

Amendment

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action, ***and where this is in full compliance with Union acquis and the Charter of Fundamental Rights of the European Union.***

Amendment 66

**Proposal for a regulation
Article 5 – paragraph 4**

Text proposed by the Commission

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states ***or in third countries***, are eligible.

Amendment

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or ***in*** overseas countries or territories linked to those states are eligible. ***Article 6(3) applies when international organisations participating in a consortium are established in a third country.***

Amendment 67

**Proposal for a regulation
Article 6 – paragraph 1**

Text proposed by the Commission

1. Support provided under this Regulation shall complement national,

Amendment

1. Support provided under this Regulation shall complement national,

regional and local interventions, and shall focus on bringing added value to the objectives of this Regulation.

regional and local interventions, and shall focus on bringing **Union** added value to the objectives of this Regulation.

Amendment 68

Proposal for a regulation

Article 6 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The Commission and the Member States shall cooperate in the implementation of the instrument. The Commission shall set up a helpdesk and contact point to provide support to Member States and contribute to the effective allocation of funding.

Amendment 69

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR **8 018 000 000** in current prices.

1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR **7 087 760 000 in 2018 prices (EUR 8 018 000 000 in current prices)**.

Amendment 70

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) EUR **4 811 000 000** shall be allocated to the programmes implemented under shared management, of which EUR **157 200 000** for the Special Transit Scheme referred to in Article 16, implemented under shared management;

(a) EUR **4 252 833 000 in 2018 prices (EUR 4 811 000 000 in current prices)** shall be allocated to the programmes implemented under shared management, of which EUR **138 962 000 in 2018 prices (EUR 157 200 000 in current prices)** for the Special Transit Scheme referred to in

Article 16, implemented under shared management;

Amendment 71

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) EUR 3 207 000 000 shall be allocated to the thematic facility.

Amendment

(b) EUR 2 834 927 000 in 2018 prices (EUR 3 207 000 000 in current prices) shall be allocated to the thematic facility.

Amendment 72

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II.

Amendment

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II **or support measures in accordance with Article 20. For the preparation of the work programmes, the Commission shall consult the organisations, which represent the partners at Union level, including civil society.**

Amendment 73

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A minimum of 20 % of the funding from the thematic facility shall be allocated to the specific objective referred to in Article 3(2)(b).

Amendment 74

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ***it shall be ensured that selected projects are not affected by*** a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU ***that puts at risk the legality and regularity of expenditure or the performance of projects.***

Amendment

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ***no funding shall be available for projects where there is evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be in doubt as a result of*** a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU.

Amendment 75

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. When funding from the thematic facility is implemented in shared management, the Commission shall, ***for the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR],*** assess ***whether*** the foreseen actions ***are not affected by*** a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU ***that puts at risk the legality and regularity of expenditure or the performance of the projects.***

Amendment

4. When funding from the thematic facility is implemented in shared management, the Commission shall assess the foreseen actions ***to ensure that no funding shall be available for projects where there is evidence that the legality of those projects, or the legality and regularity of those projects, or the performance of those projects, would be called in doubt as a result of*** a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU.

Amendment 76

Proposal for a regulation Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When funding from the thematic

facility is granted under direct or indirect management, the Commission shall assess whether the actions foreseen are not affected by a generalised deficiency as regards the rule of law in a Member State that affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union in a manner that puts at risk the legality and regularity of expenditure or the performance of the projects.

Amendment 77

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. The Commission **shall** adopt **financing decisions** as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and specifying the amounts for each of its components, as referred to in paragraph 1. **Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.**

Amendment

6. The Commission **is empowered to** adopt **delegated acts in accordance with Article 29 to lay down work programmes** as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and specifying the amounts for each of its components, as referred to in paragraph 1.

Amendment 78

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

7. Following the adoption of a **financing decision** as referred to in paragraph 3, the Commission may amend the programmes implemented under shared management accordingly.

Amendment

7. Following the adoption of a **work programme** as referred to in paragraph 6, the Commission may amend the programmes implemented under shared management accordingly.

Amendment 79

Proposal for a regulation

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Article 8 – paragraph 8

Text proposed by the Commission

8. The **financing decisions** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment

8. The **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment 80

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission **decision** for the thematic facility referred to in Article 8.

Amendment

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management, according to the Commission **work programmes** for the thematic facility referred to in Article 8.

Amendment 81

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) EUR 4 009 000 000 to the Member States in accordance with the criteria in Annex I;

Amendment

(a) **EUR 3 543 880 000 in 2018 prices** (EUR 4 009 000 000 **in current prices**) to the Member States in accordance with the criteria in Annex I;

Amendment 82

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) EUR 802 000 000 to the Member States for the adjustment of the allocations for the programmes as referred to in in

Amendment

(b) **EUR 708 953 000 in 2018 prices** (EUR 802 000 000 **in current prices**) to the Member States for the adjustment of

Article 13(1).

the allocations for the programmes as referred to in in Article 13(1).

Amendment 83

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. The contribution from the Union budget shall not exceed **75 %** of the total eligible expenditure of a project.

Amendment

1. The contribution from the Union Budget shall not exceed **85%** of the total eligible expenditure of a project ***from Member States whose per capita gross national income ('GNI') is less than 90 % of that of the Union average and 75 % of the total eligible expenditure for other Member States.***

Amendment 84

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. Each Member State shall ensure that the priorities addressed in *its* programme are consistent with and respond to the Union priorities and challenges in the area of border management and visa, and that they are fully in line with the relevant Union acquis and agreed Union priorities. In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed.

Amendment

1. Each Member State ***and the Commission*** shall ensure that the priorities addressed in ***the national*** programme are consistent with and respond to the Union priorities and challenges in the area of border management and visa, and that they are fully in line with the relevant Union acquis and agreed Union priorities, ***and the international obligations of the Union and Member States arising from international instruments to which they are signatories.*** In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed.

Amendment 85

Proposal for a regulation Article 12 – paragraph 1 a (new)

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1a. *In that regard, Member States shall allocate a minimum of 20 % of their allocated funding to the specific objective referred to in Article 3(2)(b).*

Amendment 86

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall ensure that the European Border and Coast Guard Agency **and where appropriate**, eu-LISA, are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.

2. The Commission shall ensure, **where appropriate**, that the European Border and Coast Guard Agency, eu-LISA, **the European Union Agency for Fundamental Rights, and any other relevant Union agency** are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.

Amendment 87

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. **It** shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency.

3. **The Commission** shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency.

Amendment 88

Proposal for a regulation Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Commission shall consult eu-LISA on the draft programmes with a specific emphasis on the activities included under technical support in line with Article 3(2)(b) to ensure consistency and complementarity of the actions of eu-LISA and those of the Member States.*

Amendment 89

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may associate the European Border and Coast Guard Agency, **and where appropriate**, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union acquis and agreed Union priorities.

4. The Commission may associate, **where appropriate**, the European Border and Coast Guard Agency, eu-LISA, **the European Union Agency for Fundamental Rights, and any other relevant agency** with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union acquis and agreed Union priorities.

Amendment 90

Proposal for a regulation Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency with the process of examination on the most appropriate approach to address the recommendations

6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency, **eu-LISA, the European Union Agency for Fundamental Rights and any other**

with the support of this instrument.

relevant agency or body with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument.

Amendment 91

Proposal for a regulation Article 12 – paragraph 8

Text proposed by the Commission

8. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 5. Depending on the impact of the adjustment, the revised programme may be approved by the Commission.

Amendment

8. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 5 **and the progress in achieving the milestones and targets as assessed in the annual performance reports as referred to in Article 27(2)(a)**. Depending on the impact of the adjustment, the revised programme may **shall** be approved by the Commission.

Amendment 92

Proposal for a regulation Article 12 – paragraph 10

Text proposed by the Commission

10. **Whenever** a Member State decides to implement projects with or in a third country with the support of the instrument, the Member State concerned shall consult the Commission prior to the start of the project.

Amendment

10. **Before** a Member State decides to implement projects with, **in** or in **relation to** a third country with the support of the instrument, **it shall ensure that all actions proposed by, in or in relation to that third country comply with the international obligations of the Union and that Member State, and that they fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union**. The Member State concerned shall consult the Commission prior to the start of the project, **including on ensuring that the above conditions are fulfilled**.

Amendment 93

Proposal for a regulation Article 12 – paragraph 11

Text proposed by the Commission

11. Whenever a Member State decides to implement actions with or in a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating **illegal** immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013.

Amendment

11. Whenever a Member State, **exceptionally**, decides to implement actions with, **in** or in **relation to** a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating **irregular** immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013. **Member States shall ensure full respect for the principle of non-refoulement, including in actions occurring on the high seas.**

Amendment 94

Proposal for a regulation Article 12 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. As soon as a Member State decides to initiate projects with, in or in relation to a third country under this instrument, the Member State shall inform the organisations which represent the partners at national level as well as the members of the Steering Board within 10 days.

Amendment 95

Proposal for a regulation

Article 12 – paragraph 12 – introductory part

Text proposed by the Commission

12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control purchased with the support of this instrument, the following shall apply:

Amendment

12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control, ***and search and rescue operations***, purchased with the support of this instrument, the following shall apply:

Amendment 96

Proposal for a regulation

Article 12 – paragraph 12 – point d

Text proposed by the Commission

(d) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the reporting in line with Article 27 the available multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.

Amendment

(d) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the reporting in line with Article 27 the available multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.

Where Member States are implementing actions under this instrument related to maritime border surveillance, they shall pay particular attention to their international obligations regarding search and rescue at sea and shall be entitled, for that purpose, to use the equipment and systems referred to in points (a) to (d) of this paragraph.

Amendment 97

Proposal for a regulation

Article 12 – paragraph 13

Text proposed by the Commission

13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding.

Amendment

13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, ***and on relevant Union and international law, including with regard to fundamental rights, access to international protection and relevant maritime law.***

Amendment 98

**Proposal for a regulation
Article 12 – paragraph 15**

Text proposed by the Commission

15. ***Programming as referred to in Article 17(5) of Regulation (EU) No .../... [CPR]*** shall ***be based on*** the types of intervention ***set out*** in Table 1 of Annex VI.

Amendment

15. ***Each programme*** shall ***set out for each specific objective*** the types of intervention in ***accordance with*** Table 1 of Annex VI ***and an indicative breakdown of the programmed resources by type of intervention or area of support.***

Amendment 99

**Proposal for a regulation
Article 13 – paragraph -1 (new)**

Text proposed by the Commission

Amendment

-1. The programmes shall be subject to a mid-term review and evaluation in accordance with Article 26.

Amendment 100

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

Text proposed by the Commission

1. **In 2024** the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

Amendment 101

**Proposal for a regulation
Article 13 – paragraph 2**

Text proposed by the Commission

2. If at least **10** % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications **submitted in accordance with Article 85 of Regulation (EU) No .../... [CPR]**, the Member State concerned shall not be eligible to receive the additional allocation for its programme referred to in paragraph 1.

Amendment 102

**Proposal for a regulation
Article 13 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

1. **By the end of 2024, and after informing the European Parliament**, the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

Amendment

2. If at least **30** % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications, the Member State concerned shall not be eligible to receive the additional allocation for its programme referred to in paragraph 1.

Amendment

2a. Paragraph 2 applies only if the relevant regulatory framework and related acts are in force on 1 January 2022.

Amendment 103

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The allocation of the funds from the thematic facility as from 2025 shall, **where appropriate**, take into account the progress made in achieving the milestones of the performance framework **as referred to in Article 12 of Regulation (EU) No .../... [CPR]** and identified implementation shortcomings.

Amendment

3. The allocation of the funds from the thematic facility as from 2025 shall take into account the progress made in achieving the milestones of the performance framework and identified implementation shortcomings.

Amendment 104

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. Specific actions are transnational or national projects in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.

Amendment

1. Specific actions are transnational or national projects **bringing Union added value** in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.

Amendment 105

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. Member States using operating support shall comply with the Union acquis **on borders and visas**.

Amendment

3. Member States using operating support shall comply with the Union acquis.

Amendment 106

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

Amendment

5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on ***specific tasks and services*** as laid down in Annex VII.

5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on ***eligible actions*** as laid down in Annex VII.

Amendment 107

Proposal for a regulation Article 15 – paragraph 6

Text proposed by the Commission

Amendment

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the ***specific tasks and services*** in Annex VII.

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the ***eligible actions*** in Annex VII.

Amendment 108

Proposal for a regulation Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Blending operations

Blending operations decided under this instrument shall be implemented in accordance with the [InvestEU Regulation] and [Title X] of the Financial Regulation.

Justification

It is not clear what added value blending operations would bring in the area of border management and visa policy. In particular, it is not clear what actions would be subject to such operations and under what conditions. The Union's policy in the area of border management and visa policy should not be reliant on private sector investment.

Amendment 109

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of **100%**.

Amendment

The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures, ***namely, preparatory steps, monitoring, supervision, audit, evaluation and all administrative and technical assistance actions necessary for the implementation of this Regulation and, where appropriate with third countries,*** may be financed at the rate of **100 %**.

Amendment 110

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. The recipients of Union funding shall ***acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting*** the actions and their results, by providing coherent, effective and ***proportionate targeted*** information to multiple audiences, including the media and the public.

Amendment

1. The recipients of Union funding shall ***promote*** the actions and their results, by providing coherent, effective and ***meaningful*** information to multiple ***relevant*** audiences, including ***media and the public in the relevant languages. To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public display the Union emblem, and mention explicitly the Union's financial support.***

Amendment 111

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

2. The Commission shall implement information and communication actions relating to this instrument, its actions and results. Financial resources allocated to this instrument shall also contribute to the corporate communication on the political priorities of the Union, as far as they are related to the objectives of this Regulation.

Amendment

2. ***To reach the widest possible audience***, the Commission shall implement information and communication actions relating to ***the implementation of*** this instrument, its actions and results. ***In particular, the Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months.*** Financial resources allocated to this instrument shall also contribute to the corporate communication on the ***implementation of*** political priorities of the Union, as far as they are related to the objectives of this Regulation. ***In particular, the Commission may promote best practices and exchange information as regards the implementation of the instrument.***

Amendment 112

**Proposal for a regulation
Article 22 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council^{1a}, which allows data to be sorted, searched, extracted, compared and reused. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary and name of contractor.

^{1a} Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

Amendment 113

Proposal for a regulation Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *It shall be for the Member States to forward to the Commission information on the development of shared-management programmes, so that the information in question can then be published on its website.*

Amendment 114

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. The **instrument shall** provide financial assistance to address urgent and specific needs in the event of **an** emergency situation **resulting** from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other situation **of urgent and exceptional pressure** within the scope of this Regulation **that requires immediate action**.

1. The **Commission may decide to** provide, **on an exceptional basis**, financial assistance to address urgent and specific needs in the event of **a duly justified** emergency situation **and as a last resort**. **These situations can result** from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other **duly substantiated emergency** situation **requiring urgent action at the external borders** within the scope of this Regulation. **The Commission**

shall inform the European Parliament and the Council without delay.

Amendment 115

Proposal for a regulation Article 23 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021.

Amendment 116

Proposal for a regulation Article 23 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Emergency assistance shall be provided in a manner entirely consistent with the Union acquis and with the Union's and the Member States' obligations under the international instruments to which they are signatories.

Amendment 117

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. An action that has received a contribution under the instrument may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union

1. An action that has received a contribution under the instrument may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union

programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support. ***Contributions from other Union programmes to actions under this instrument shall be acknowledged, where appropriate, in the Commission work programmes or in the national programmes and annual performance reports.***

Amendment 118

Proposal for a regulation

Article 24 – paragraph 2 – introductory part

Text proposed by the Commission

2. ***Actions*** awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions:

Amendment

2. ***Operations*** awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions:

Amendment 119

Proposal for a regulation

Article 24 – paragraph 2 – subparagraph 1

Text proposed by the Commission

may receive support from the ***European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) No .../... [CPR] and Article 8 of Regulation (EU) No .../... [Financing, management and monitoring of the Common Agricultural Policy]***, provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund or

Amendment

may receive support from the ***Union's structural funds*** provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund or instrument providing support shall apply.

instrument providing support shall apply.

Amendment 120

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. In compliance with its reporting requirements pursuant to Article **43(3)(h)(i)(iii)** of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.

Amendment

1. In compliance with its reporting requirements pursuant to Article **41(3)(h)(i)(iii)** of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V, ***at least annually***.

Amendment 121

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

Amendment

3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. ***For resources under shared management, common indicators shall be used. Upon request, the data received by the Commission on the output and result indicators shall be made available to the European Parliament and to the Council.***

Amendment 122

Proposal for a regulation Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *For resources under shared management, monitoring and reporting shall be based on the types of intervention set out in Annex VI. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to address unforeseen or new circumstances or to ensure the effective implementation of the funding.*

Amendment 123

**Proposal for a regulation
Article 25 – paragraph 5 b (new)**

Text proposed by the Commission

Amendment

5b. *The Commission shall pay particular attention to the monitoring of actions by, in or in relation to third countries, in accordance with Article 5 and Article 12(10) and (11).*

Amendment 124

**Proposal for a regulation
Article 26 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Commission shall *carry out* a mid-term *and a retrospective* evaluation of this Regulation, *including the actions implemented under this instrument*.

1. **By 31 December 2024**, the Commission shall *present* a mid-term evaluation *of the implementation* of this Regulation. *The mid-term evaluation shall examine the effectiveness, efficiency, simplification and flexibility of the Fund. More specifically, it shall include an assessment of:*

Amendment 125

**Proposal for a regulation
Article 26 – paragraph 1 – point a (new)**

Text proposed by the Commission

Amendment

(a) progress towards the achievement of the objectives of this Regulation, taking into account all relevant information available, in particular the annual performance reports submitted by the Member States under Article 30 and the output and the result indicators set out in Annex VIII;

Amendment 126

Proposal for a regulation

Article 26 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) the Union added value of actions and operations implemented under this instrument;

Amendment 127

Proposal for a regulation

Article 26 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) the contribution of the instrument to addressing existing and emerging challenges at the external borders, to developing the common visa policy, and the use of the instrument to address shortcomings identified by the Schengen Evaluation Mechanism and Vulnerability assessment;

Amendment 128

Proposal for a regulation

Article 26 – paragraph 1 – point d (new)

Text proposed by the Commission

Amendment

(d) the continued relevance of and the appropriateness of the implementation measures set out in Annex II and the actions set out in Annex III;

Amendment 129

Proposal for a regulation

Article 26 – paragraph 1 – point e (new)

Text proposed by the Commission

Amendment

(e) the complementarity and coherence between the actions supported under this instrument and supported provided by other Union funds.

Amendment 130

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The mid-term review shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for external borders and visa, part of the Internal Security Fund for the period 2014-2020.

Amendment 131

Proposal for a regulation

Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By 31 January 2030, the Commission shall carry out a retrospective evaluation. By the same date, the Commission shall submit an

evaluation report to the European Parliament and to the Council. The retrospective evaluation shall include an assessment of the elements set out in paragraph 1. In that regard, the longer-term impacts of the instrument shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent fund.

Amendment 132

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with *the timeline set out Article 40 of Regulation (EU) No .../... [CPR]*.

Amendment

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with Article *14 of this* Regulation.

Amendment 133

Proposal for a regulation Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In its mid-term review and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with Article 5 and Article 12(10) and (11).

Amendment 134

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

1. By 15 February **2023 and** by the

Amendment

1. By 15 February **2023 and** by the

same date of each subsequent year up to and including 2031, **Member States** shall submit to the Commission the annual performance report *as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]*. The *report submitted* in 2023 shall cover the implementation of the programme carried *out until* 30 June 2022.

same date of each subsequent year up to and including 2031, **Member States** shall submit to the Commission the annual performance report. The *report submitted* in 2023 shall cover the implementation of the programme carried *out until* 30 June 2022. **Member States shall publish these reports on a dedicated website and forward them to the European Parliament and to the Council.**

Amendment 135

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest *data as required by Article 37 of Regulation (EU) No .../... [CPR]*;

Amendment

(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest *cumulative data transmitted to the Commission*;

Amendment 136

Proposal for a regulation

Article 27 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(aa) *a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred*;

Amendment 137

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission

(b) any issues *affecting the* performance of the programme and the

Amendment

(b) any issues *affecting the* performance of the programme and the

actions taken to address them;

actions taken to address them, *including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258 TFEU*;

Amendment 138

Proposal for a regulation Article 27 – paragraph 2 – point c

Text proposed by the Commission

(c) the complementarity between the actions supported by the instrument and support provided by other Union Funds, in particular *those* in or in relation to third countries;

Amendment

(c) the complementarity, *coordination and coherence* between the actions supported by the instrument and support provided by other Union Funds, in particular *the external financing instruments of the Union and others providing funding* in or in relation to third countries;

Amendment 139

Proposal for a regulation Article 27 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) compliance with fundamental rights requirements;

Amendment 140

Proposal for a regulation Article 27 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the implementation of projects in, or in relation to a third country.

Amendment 141

Proposal for a regulation Article 27 – paragraph 3

Text proposed by the Commission

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that deadline, the reports shall be deemed to have been accepted.

Amendment

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that deadline, the reports shall be deemed to have been accepted. ***Once accepted, the Commission shall make summaries of annual performance reports available to the European Parliament and to the Council and shall publish those summaries of the annual performance reports on a dedicated website.***

Amendment 142

**Proposal for a regulation
Article 28**

Text proposed by the Commission

Article 28

Monitoring and reporting

1. Monitoring and reporting in accordance with Title IV of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Tables 1, 2 and 3 in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 29.

2. The common indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No .../... [CPR].

Amendment

deleted

Amendment 143

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028.

Amendment

2. The power to **adopt delegated** acts referred to in Articles **8**, 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028.

Amendment 144

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 12, 15, 25 and 28 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles **8**, 12, 15, 25 and 28 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 145

Proposal for a regulation Article 29 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 12, 15, 25 and 28 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or

Amendment

6. A delegated act adopted pursuant to Articles **8**, 12, 15, 25 and 28 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or

the Council.

the Council.

Amendment 146

Proposal for a regulation Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 27(4).

deleted

Amendment 147

Proposal for a regulation Annex I – point 6

Text proposed by the Commission

Amendment

6. For the purpose of the distribution of resources under paragraph 1(c), ‘external sea borders’ shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent **illegal** immigration or **illegal** entry, this shall be the outer limit of high threat areas. The definition of ‘external maritime borders’ in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned. This definition shall be used exclusively for the purpose of this Regulation.

6. For the purpose of the distribution of resources under paragraph 1(c), ‘external sea borders’ shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent **irregular** immigration or entry, this shall be the outer limit of high threat areas. The definition of ‘external maritime borders’ in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned. This definition shall be used exclusively for the purpose of this Regulation.

Amendment 148

Proposal for a regulation Annex I – point 7 – point a – point 1

Text proposed by the Commission

Amendment

(1) **70 %** for the number of crossings of the external border at authorised border crossing points;

(1) **60 %** for the number of crossings of the external border at authorised border crossing points;

Amendment 149

Proposal for a regulation Annex I – point 7 – point a – point 2

Text proposed by the Commission

Amendment

(2) **30%** for the number of third-country nationals refused entry at the external border.

(2) **20%** for the number of third-country nationals refused entry at the external border.

Amendment 150

Proposal for a regulation Annex I – point 7 – point a – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) 20 % for the number of persons having submitted an application for international protection or having been included in such an application as a family member and having had their applications processed under the border procedure referred to in Article 43 of Directive 2013/32/EU of the European Parliament and of the Council^{1a}.

^{1a} Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

Amendment 151

Proposal for a regulation Annex I – point 8 – paragraph 1

Text proposed by the Commission

Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.

Amendment

Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, ***or a Member States fails to provide such information in two consecutive years***, the reference figure shall be zero.

Amendment 152

**Proposal for a regulation
Annex I – point 9 – point d**

Text proposed by the Commission

(d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.

Amendment

(d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, ***or a Member State fails to provide such information in two consecutive years***, the reference figure shall be zero.

Amendment 153

**Proposal for a regulation
Annex I – point 10**

Text proposed by the Commission

10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c).

Amendment

10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c). ***The Commission shall make the report publicly available.***

Amendment 154

Proposal for a regulation Annex I – point 11 – introductory part

Text proposed by the Commission

11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average level ***of threat of*** each border section based on the latest average figures covering the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average level ***of threat of*** each border section based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the ***threat*** levels as defined in Regulation (EU) No 1052/2013:

Amendment

11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average ***impact level on*** each border section based on the latest average figures covering the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average ***impact level on*** each border section based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the ***impact*** levels as defined in Regulation (EU) No 1052/2013:

Amendment 155

Proposal for a regulation Annex I – point 11 – point a

Text proposed by the Commission

(a) factor 0.5 for low ***threat***;

Amendment

(a) factor 0.5 for low ***impact level***;

Amendment 156

Proposal for a regulation Annex I – point 11 – point b

Text proposed by the Commission

(b) factor 3 for medium ***threat***;

Amendment

(b) factor 3 for medium ***impact level***;

Amendment 157

Proposal for a regulation

Annex I – point 11 – point c

Text proposed by the Commission

(c) factor 5 for high **threat**;

Amendment

(c) factor 5 for high **impact level**;

Amendment 158

Proposal for a regulation

Annex I – point 11 – point d

Text proposed by the Commission

(d) **factor 8 for critical threat.**

Amendment

deleted

Amendment 159

Proposal for a regulation

Annex II – point 1 – point a – point i

Text proposed by the Commission

i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to **prevent and detect** cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism;

Amendment

i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to **facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of** cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, **and measures related to the referral of persons who are in need of, or wish to apply for, international protection**;

Amendment 160

Proposal for a regulation

Annex II – point 1 – point a – point ii

Text proposed by the Commission

ii. **supporting search and rescue in the context of carrying out border surveillance at sea;**

Amendment

deleted

Amendment 161

Proposal for a regulation

Annex II – point 1 – point a – point iii

Text proposed by the Commission

iii. implementing technical and operational measures within the Schengen area which are related to border control;

Amendment

iii. implementing technical and operational measures within the Schengen area which are related to border control, ***provided that such measures do not present a risk to free movement;***

Amendment 162

Proposal for a regulation

Annex II – point 1 – point a – point v

Text proposed by the Commission

v. supporting, within the scope of this Regulation, Member States facing ***existing or potential disproportionate migratory pressure at the EU's external borders***, including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas.

Amendment

v. supporting, within the scope of this Regulation, Member States facing ***an emergency situation referred to in Article 23***, including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas.

Amendment 163

Proposal for a regulation

Annex II – point 1 – point b

Text proposed by the Commission

(b) ***further*** developing ***the European Border and Coast Guard, through common capacity-building***, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination ***between the*** Member States ***and*** the European Border and Coast Guard ***Agency***;

Amendment

(b) developing common ***capacity building***, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination ***among*** Member States ***with a view to the further development of*** the European Border and Coast Guard;

Amendment 164

Proposal for a regulation Annex II – point 1 – point c

Text proposed by the Commission

(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices **and** agencies **or third countries**, on the other;

Amendment

(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices **or agencies, including agencies responsible for external actions**, on the other;

Amendment 165

Proposal for a regulation Annex II – point 1 – point e

Text proposed by the Commission

(e) setting up, operating and maintaining large-scale IT systems in the area of border management, including the interoperability of these IT systems and their communication infrastructure.

Amendment

(e) setting up, operating and maintaining **those** large-scale IT systems **already the subject of Union law** in the area of border management, including the interoperability of these IT systems and their communication infrastructure, **and actions to enhance data quality and the provision of information**.

Amendment 166

Proposal for a regulation Annex II – point 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) increasing capacity to render assistance to persons in distress at sea, in particular supporting search and rescue operations;

Amendment 167

Proposal for a regulation Annex II – point 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) supporting search and rescue in the context of carrying out border surveillance at sea;

Amendment 168

Proposal for a regulation Annex II – point 2 – point a

Text proposed by the Commission

Amendment

(a) providing efficient and ***client-friendly*** services to visa applicants while maintaining the security and integrity of the visa procedure;

(a) providing efficient and ***client friendly*** services to visa applicants while maintaining the security and integrity of the visa procedure, ***with particular regard to vulnerable persons and children;***

Amendment 169

Proposal for a regulation Annex II – point 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) supporting Member States in issuing visas, including visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and in complying, in full, with the Union acquis on visas;

Amendment 170

Proposal for a regulation Annex II – point 2 – point d

Text proposed by the Commission

(d) **setting up**, operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure.

Amendment

(d) **updating**, operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure.

Amendment 171

Proposal for a regulation Annex III – point 1 – point a

Text proposed by the Commission

(a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, **illegal** immigration and cross-border crime at the external borders, as well as to guarantee the smooth flows of legitimate travellers;

Amendment

(a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, **irregular** immigration and cross-border crime at the external borders, as well as to guarantee the smooth flows of legitimate travellers **and the effective management of migration flows, including measures related to the referral of persons who are in need of, or wish to apply for, international protection while always ensuring a dignified treatment of the persons concerned**;

Amendment 172

Proposal for a regulation Annex III – point 1 – point c

Text proposed by the Commission

(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs **and** risk analysis and in full compliance with fundamental rights;

Amendment

(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs, risk analysis and **challenges identified in country-specific recommendations all** in

full compliance with fundamental rights;

Amendment 173

Proposal for a regulation Annex III – point 1 – point d

Text proposed by the Commission

(d) secondment of joint liaison officers to third countries ***as defined in Regulation (EU) No .../ ... [new ILO Regulation]*** and secondment of border guards and other relevant experts to Member States or from a Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;;

Amendment

(d) secondment of joint liaison officers to third countries and secondment of border guards and other relevant experts to Member States or from a Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;;

Amendment 174

Proposal for a regulation Annex III – point 1 – point e

Text proposed by the Commission

(e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common ***capacity-building***, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States;

Amendment

(e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common ***capacity building***, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States, ***as well as measures related to the referral of persons who are in need of, or wish to apply for, international protection;***

Amendment 175

Proposal for a regulation Annex III – point 1 – point f

Text proposed by the Commission

(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 37 of Regulation (EU) 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard;

Amendment

(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 37 of Regulation (EU) 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard.
Innovative methods and new technologies of this type shall be fully in accordance with fundamental rights and the right to protection of personal data;

Amendment 176

Proposal for a regulation Annex III – point 1 – point g

Text proposed by the Commission

(g) preparatory, monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen acquis and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on-site visits as well as measures to implement recommendations issued following vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) 2016/1624;

Amendment

(g) preparatory ***steps***, monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen acquis and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on-site visits as well as measures to implement recommendations issued following vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) 2016/1624;

Amendment 177

Proposal for a regulation Annex III – point 1 – point h

Text proposed by the Commission

(h) identification, fingerprinting, registration, security checks, debriefing, provision of information, medical and vulnerability screening and, where necessary, medical care as well as referral of third country nationals to the appropriate procedure at the external borders, ***in particular in hotspot areas***;

Amendment

(h) identification, fingerprinting, registration, security checks, debriefing, provision of information, medical and vulnerability screening and, where necessary, medical care as well as referral, ***where applicable***, of third country nationals to the appropriate ***asylum*** procedure at the external borders;

Amendment 178

Proposal for a regulation Annex III – point 1 – point j

Text proposed by the Commission

(j) development of statistical tools, methods and indicators;

Amendment

(j) development of statistical tools, methods and indicators ***with due regard for the principle of non-discrimination***;

Amendment 179

Proposal for a regulation Annex III – point 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) the exchange of best practices and expertise, including with regard to the protection of fundamental rights in the context of the different components of border control and, in particular with regards to the identification, immediate assistance and referral to protection services of vulnerable persons;

Amendment 180

Proposal for a regulation Annex III – point 1 – point k b (new)

Text proposed by the Commission

Amendment

(kb) measures for the development, monitoring and evaluation of policies and procedures, including the application of common statistical tools, methods and indicators for measuring progress and assessing policy developments.

Amendment 181

Proposal for a regulation Annex III – point 2 – point c

Text proposed by the Commission

Amendment

(c) training of consular and other staff contributing to the common visa policy and consular cooperation;

(c) training of consular and other staff contributing to the common visa policy and consular cooperation, ***including, where appropriate, compliance with fundamental rights;***

Amendment 182

Proposal for a regulation Annex III – point 2 – point d

Text proposed by the Commission

Amendment

(d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives;

(d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives, ***including for the purpose of protecting fundamental rights as regards the identification, the provision of immediate assistance to, and the referral to protection services of, vulnerable persons;***

Amendment 183

Proposal for a regulation Annex III – point 2 – point g

Text proposed by the Commission

(g) preparatory, monitoring, administrative and technical activities, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen acquis, including mission expenditure for experts of the Commission and the Member States participating in on-site visits;

Amendment

(g) preparatory **steps**, monitoring, administrative and technical activities, including **those intended** to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen acquis, including mission expenditure for experts of the Commission and the Member States participating in on-site visits;

Amendment 184

Proposal for a regulation Annex III – point 2 – point i

Text proposed by the Commission

(i) development of statistical tools, methods and indicators;

Amendment

(i) development of statistical tools, methods and indicators, **observing the principle of non-discrimination and the right to protection of personal data**;

Amendment 185

Proposal for a regulation Annex III – point 2 – point j

Text proposed by the Commission

(j) operating support for the implementation of the common visa policy.

Amendment

(j) operating support for the implementation of the common visa policy **with due regard for the principle of non-discrimination**;

Amendment 186

Proposal for a regulation

Annex III – point 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) supporting Member States in issuing visas, including visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and in complying, in full, with the Union acquis on visas.

Amendment 187

Proposal for a regulation Annex III – point 3 – point g

Text proposed by the Commission

Amendment

(g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders;

(g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders, ***observing the principle of non-discrimination and the right to protection of personal data;***

Amendment 188

Proposal for a regulation Annex III – point 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) actions to enhance data quality and the exercise of a data subject's right to information, access to, rectification, erasure and restriction of processing of his or her personal data.

Amendment 189

Proposal for a regulation Annex IV – point 3

Text proposed by the Commission

(3) ***Further development of the European Border and Coast Guard, through*** common capacity building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination ***between the*** Member States ***and*** the European Border and Coast Guard Agency, ***as outlined in paragraph 1(b) of Annex II.***

Amendment

(3) ***Developing*** common capacity building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination ***among*** Member States ***with a view to the further development of the European Border and Coast Guard.***

Amendment 190

Proposal for a regulation Annex IV – point 5

Text proposed by the Commission

(5) Measures enhancing the identification of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control.

Amendment

(5) Measures enhancing the identification ***and support*** of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control, ***including by developing and supporting protection and referral mechanisms.***

Amendment 191

Proposal for a regulation Annex IV – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) Developing integrated child protection systems at the external borders and policies for children in migration generally, including through sufficient training of staff and exchange of good practice among Member States.

Amendment 192

Proposal for a regulation

Annex IV – point 6

Text proposed by the Commission

(6) Measures deploying, transferring, testing and validating new methodology or technology, ***including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III.***

Amendment

(6) Measures deploying, transferring, testing and validating new methodology or technology ***to enhance data quality and the exercise of a data subject's right to information, access to, rectification, erasure and restriction of processing of his or her personal data;***

Amendment 193

Proposal for a regulation

Annex IV – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) Measures targeting the identification, immediate assistance and referral to protection services of vulnerable persons.

Amendment 194

Proposal for a regulation

Annex V – point a – introductory part

Text proposed by the Commission

(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***illegal*** immigration and cross-border crime and to effectively manage migratory flows:

Amendment

(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***irregular*** immigration and cross-border crime and to effectively manage migratory flows:

Amendment 195

Proposal for a regulation Annex V – point a – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) Number of persons who have applied for international protection at the border crossing points

Data source: Member States

Amendment 196

Proposal for a regulation Annex V – point a – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) Number of persons refused entry

Data source: Member States

Amendment 197

Proposal for a regulation Annex V – point b – introductory part

Text proposed by the Commission

Amendment

(b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and **prevent migratory and** security risks:

(b) Specific objective 2: Supporting the common visa policy to **ensure a more harmonised approach among the Member States with regard to the issuance of visas and to** facilitate legitimate travel and **mitigate** security risks.

Amendment 198

Proposal for a regulation Annex V – point b – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) Number of persons who have applied for international protection at

Amendment 199

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – Section 1 – row 11 a (new)

Text proposed by the Commission

Amendment

Measures related to the identification and referral of vulnerable persons

Amendment 200

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – Section 1 – row 11 b (new)

Text proposed by the Commission

Amendment

Measures related to the identification and referral of persons who are in need of, or wish to apply for, international protection

Amendment 201

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – Section 2 – row 10 a (new)

Text proposed by the Commission

Amendment

Issuance of humanitarian visas

Amendment 202

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – Section 3 – row 003 a (new)

Text proposed by the Commission

Amendment

Data quality and data subjects' rights to information, access to, rectification, erasure and restriction of processing of their personal data

Amendment 203

Proposal for a regulation Annex VII – point a – point 3

Text proposed by the Commission

Amendment

(3) service costs, ***including at hotspot areas*** within the scope of this Regulation;

(3) service costs within the scope of this Regulation;

Amendment 204

Proposal for a regulation Annex VIII – point a – introductory part

Text proposed by the Commission

Amendment

(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***illegal*** immigration and cross-border crime and to effectively manage migratory flows;

(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***irregular*** immigration and cross-border crime and to effectively manage migratory flows;

Amendment 205

Proposal for a regulation Annex VIII – point b – introductory part

Text proposed by the Commission

Amendment

(b) Specific objective 2: Supporting the

(b) Specific objective 2: Supporting the

common visa policy to facilitate legitimate travel and *prevent migratory and* security risks:

common visa policy to *ensure a more harmonised approach among the Member States with regard to the issuance of visas and to* facilitate legitimate travel and *mitigate* security risks:

EXPLANATORY STATEMENT

The establishment of an area without internal borders where persons and goods can circulate freely is one of European Union's greatest success stories and one of the most tangible achievements to both European citizens as well as businesses. The Schengen area is one of the key means through which European citizens can exercise their freedoms, and the internal market can prosper and develop.

As enshrined in the Treaties, ensuring proper functioning and a high level of security within an area of freedom, security and justice should be achieved, *inter alia*, through common measures on the crossing of internal borders by persons, on border controls at the Union's external borders, and on the common visa policy.

The Rapporteur therefore welcomes the proposal for a financial instrument for border management and visas as part of the Integrated Border Management Fund which will act as the successor to the current Internal Security Fund, with a budget of €9.3 billion, representing a five-fold increase. This financial instrument is fundamental, as it translates Union policies for the benefit of all European citizens into concrete actions. It provides financial support for implementing policies, which should be based on solidarity and fair sharing of responsibility between the Member States, as well as mutual trust among themselves.

However, in recent years the evolving challenges facing the European Union have exposed serious flaws in EU policies and have eroded trust among Member States. Despite the strengthening of the external borders by introducing new measures and information technology systems, trust among Member States continues to be eroded and the very principles of solidarity and fair sharing of responsibility continue to be undermined. Persisting internal border controls beyond three years within the Schengen area are only one example of that.

The objective of the Union's policy in the field of external border management is to develop and implement European integrated border management. However, this has to be done within defined limits and subject to the appropriate safeguards, hand in hand with the free movement of persons within the Union - a fundamental component of an area of freedom, security and justice.

The Rapporteur considers that the objectives of the proposed instrument focus excessively on the security and do not take account of the need to facilitating legitimate travel. The vast majority of people crossing the external borders nowadays are, in fact, legitimate *bona fide* travellers entering the Union with or without a visa, representing very little to the security of the Union as a whole.

Stemming from the objectives of the Instrument, the Rapporteur considers it important to ensure a fair and transparent distribution of funding between both main objectives of the Fund. With that in mind, the Rapporteur believes more emphasis should be put on more positive actions and measures of integrated border management, such as on visa policy, and not merely on security. It is therefore prudent to ensure a minimum level of funding for the common visa policy.

As regards the amendments to the Commission's proposal, the Rapporteur believes the Regulation should be strengthened and amended as outlined below:

It is essential that actions and measures funded through the Instrument have due regard for the respect for human rights and fundamental freedoms, which the Rapporteur proposes to significantly strengthen. As information technologies and systems are being put in place at our external border, the need for the respect of fundamental rights of persons as regards their personal data has never been greater and should be improved.

The Rapporteur also considers it extremely important to remind the Member States of their international and EU law obligations in the context of border surveillance and the principle of the prohibition of *refoulement*. The said principle applies not only on the territory of a State, but also extraterritorially, including on high seas when carrying out search and rescue operations. It is extremely important this aspect be strengthened in the report.

Similarly, in the context of border management, such as in the hotspots areas, the Rapporteur proposes the provisions with regard to the respect for right to international protection as well as for the protection of vulnerable groups, such as children, should also be bettered.

Furthermore, the principle of non-discrimination should be adequately enhanced, in particular when it comes to the treatment of third-country nationals in the context of border management and common visa policy.

Facilitating legitimate travel, also by opening up legal and safe pathways to Europe, will contribute significantly to the decrease of migratory pressure on the Union. In accordance with the European Parliament's resolution on humanitarian visas in this context of common visa policy, the Rapporteur considers this Instrument should support Member States in issuance of humanitarian visas as well as the Union in the implementation of any future European Humanitarian Visa scheme. The time has come for the Member States and the Union to lead by example and prevent further unnecessary loss of life in the Mediterranean.

In the context of actions addressing the challenges facing the Union, such as migratory pressures, The Rapporteur considers that for the purposes of the initial allocation of funding the number of applications for international protection at the border should be added as a criterion determining the workload at the external border.

As regards funding of actions in or in relation to third countries the Rapporteur considers that such actions should be limited and subject to appropriate safeguards for their implementation. The Union operates several financial instruments dedicated for actions in and for third countries; the EU is also the largest donor of development aid in the world. The Rapporteur considers that European border management has little to do with setting up detention centres in third countries or externalising the management of EU's borders to those countries.

The Rapporteur similarly proposes to limit the funding for urgent and specific needs in the event of emergencies, which should only be allowed exceptionally and with sufficient safeguards put in place for its use.

For the proper preparation and implementation of actions and measures under both, the work

programmes and thematic facility, active participation of the civil society, local and regional authorities is crucial. The Rapporteur proposes to strengthen this aspect of the Regulation as well as the exchange of best practices and experts, including with regard to the protection of fundamental rights in the context of different components of border control.

Budgetary scrutiny is an important competence of the European Parliament as it holds the Member States and Union institutions accountable in the eyes of European citizens. It is therefore crucial that transparency of spending is significantly increased in the Instrument.

Finally, the Rapporteur insists that the European Parliament - in its role as co-legislator - must be given access to adequate information about the use of the Fund for scrutiny. Similarly, the European Parliament should be fully involved in the implementation or any changes to the key elements of the Regulation, notably through a delegated act in the context of work programmes, the actions eligible for higher co-financing, as well as output indicators, the mid-term and retrospective evaluations, and the annual performance reports.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
European Council on Refugees and Exiles (ECRE)
Quaker Council for European Affairs
Open Society European Policy Institute
European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)
Permanent Representation of Lithuania to the EU

7.12.2018

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa
(COM(2018)0473 – C8-0272/2018 – 2018/0249(COD))

Rapporteur for opinion: Eduard Kukan

SHORT JUSTIFICATION

Over recent years, the EU has faced an increasing number of migratory, mobility and security challenges. In order to address these issues, in May 2018 the Commission proposed a substantial increase to the funding allocated to migration and border management for the period 2021 to 2027.

The proposed regulation establishing the instrument for financial support for border management and visa is part of the Integrated Border Management Fund and solely focuses on actions related to checks on persons in the context of border controls.

Overall, the rapporteur supports the proposed regulation, which provides the financial framework for strong and efficient border management while safeguarding the free movement of people. He favours, in particular, the increased financial envelope allocated to this fund, the increasing flexibility to help address evolving challenges more effectively, the focus on quality of the spending as well as the better monitoring and evaluation framework.

He therefore is of the view that the instrument, notably in its external dimension, is adequate and responds to the priorities of the EU. However, particular attention should be drawn to ensuring coherence and to fomenting synergies between this instrument and all other funding in the field of migration and border management, be it through the EU external financing instruments or through other EU instruments and funds with an external dimension, such as the Asylum and Migration Fund.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2)(d) thereof

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2)(d) **and 80** thereof

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Pursuant to Article 80 TFEU, these policies and their implementation should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between **the** Member States.

Amendment

(2) Pursuant to Article 80 TFEU, these policies and their implementation should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between **all** Member States **of the Union**.

Amendment 3

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights;

Amendment

(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights, **and with the principle of non-refoulement; furthermore, it must**

be implemented in full compliance with the principles of transparency and traceability.

Amendment 4

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where the main objective is border surveillance but other objectives could additionally be pursued simultaneously.

Amendment

(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where the main objective is border surveillance but other objectives ***linked to it*** could additionally be pursued simultaneously, ***such as combating trafficking in human beings.***

Amendment 5

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects

Amendment

(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments ***as well as any other Union financing instrument having an external dimension component, such as for example the Asylum and Migration Fund.*** In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question.

of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives.

In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives.

Amendment 6

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) The instrument should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation.

Amendment

(37) The instrument should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. ***In order to meet the requirements in terms of transparency of funding, the Commission, with the cooperation of the Member States, should publish information on the development of the annual and multiannual programmes under the thematic facility. Member States should be obliged to share all information in their possession on the development of programmes under shared management. That information should be centralised by the Commission and published on a single portal.***

Amendment 7

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions

Amendment

(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions

in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.

in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort **among Member States** or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.

Amendment 8

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in the Union.

Amendment

1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights, thereby contributing to guaranteeing a high level of security **and safety** in the Union.

Amendment 9

Proposal for a regulation Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) supporting effective European

Amendment

(a) supporting effective European

integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect *illegal* immigration and cross-border crime and to effectively manage migratory flows;

integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect *irregular* immigration and cross-border crime and to effectively manage migratory flows *while ensuring respect for the right of asylum and applying the principles of solidarity and equitable burden-sharing*;

Amendment 10

Proposal for a regulation

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Actions funded under the instrument shall be implemented in full compliance with fundamental rights and human dignity. In particular, actions shall comply with the Charter of Fundamental Rights of the European Union, Union data protection law, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the principle of fair treatment of third-country nationals, the right to asylum and international protection, the principle of non-refoulement, and the international obligations of the Union and the Member States by virtue of their accession to international instruments such as the Geneva Convention of 28 July 1951 Relating to the Status of Refugees, as supplemented by the New York Protocol of 31 January 1967.

Amendment 11

Proposal for a regulation

Article 3 – paragraph 3 b (new)

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3b. *When implementing actions funded under the instrument which are related to sea border surveillance, Member States shall pay special heed to their obligations under international maritime law to assist persons in distress. Equipment and systems supported under the instrument may be used in such search and rescue situations which might arise during a sea border surveillance operation, thereby helping to ensure protection and rescue at sea.*

Amendment 12

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.

2. The Commission, ***the European Parliament***, and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.

Amendment 13

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget.

5. The Commission, ***after consulting the European Parliament***, shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget.

Amendment 14

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. The Commission shall adopt financing decisions as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and specifying the amounts for each of its components, as referred to in paragraph 1. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.

Amendment

6. The Commission, ***after consulting the European Parliament***, shall adopt financing decisions as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and specifying the amounts for each of its components, as referred to in paragraph 1. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.

Amendment 15

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

7. Following the adoption of a financing decision as referred to in paragraph 3, the Commission may amend the programmes implemented under shared management accordingly.

Amendment

7. Following the adoption of a financing decision as referred to in paragraph 3, the Commission, ***after consulting the European Parliament***, may amend the programmes implemented under shared management accordingly.

Amendment 16

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission decision for the thematic facility referred to in Article 8.

Amendment

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission decision, ***adopted after consultation of the European Parliament***, for the thematic facility referred to in Article 8.

Amendment 17

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Border and Coast Guard Agency and where appropriate, eu-LISA, are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.

Amendment

2. The Commission **and the European Parliament** shall ensure that the European Border and Coast Guard Agency and, where appropriate, eu-LISA are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.

Amendment 18

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. **It** shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency.

Amendment

3. **The Commission** shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency.

Amendment 19

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular **in view of**

Amendment

4. The Commission **and the European Parliament** may associate the European Border and Coast Guard Agency, and, where appropriate, eu-LISA, with monitoring and evaluation tasks as referred

ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union acquis and agreed Union priorities.

to in Section 5, in particular **with a view to** ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union acquis and agreed Union priorities.

Amendment 20

Proposal for a regulation

Article 12 – paragraph 12 – introductory part

Text proposed by the Commission

12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control purchased with the support of this instrument, the following shall apply:

Amendment

12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control, **and for search and rescue operations**, purchased with the support of this instrument, the following shall apply:

Amendment 21

Proposal for a regulation

Article 12 – paragraph 13

Text proposed by the Commission

13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding.

Amendment

13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, **taking particularly into account human rights issues and international conventions on those subjects.**

Amendment 22

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. In 2024 the Commission shall

Amendment

1. In 2024 the Commission, **after**

allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

consulting the European Parliament, shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

Amendment 23

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No .../... [CPR] and identified implementation shortcomings.

Amendment

3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No .../... [CPR] and identified implementation shortcomings. ***The programmes shall undergo a mid-term review in accordance with Articles 14 and 40 of Regulation (EU) No ... / ... [CPR] and Article 26 of this Regulation.***

Amendment 24

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall justify in the programme and in the annual performance reports as referred to in Article 27 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation

Amendment

4. Member States shall justify in the programme and in the annual performance reports as referred to in Article 27 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, ***after consulting the***

of the European Border and Coast Guard Agency as regards the Agency's competencies in accordance with Article 12(3), assess the needs of baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.'

European Parliament and following a consultation of the European Border and Coast Guard Agency as regards the Agency's competencies in accordance with Article 12(3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.

Amendment 25

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of 100 %.

Amendment

The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission, **following consultation of the European Parliament**. Those measures may be financed at the rate of 100 %.

Amendment 26

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

Amendment

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility, **transparency and traceability** of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

Amendment 27

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. In compliance with its reporting requirements pursuant to Article 43(3)(h)(i)(iii) of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.

Amendment

1. In compliance with its reporting requirements pursuant to Article 41(3)(h)(i) and (ii) of **Regulation (EU, Euratom) 2018/1046^{1a} of the European Parliament and of the Council**, the Commission shall present **yearly** to the European Parliament and the Council information on performance in accordance with Annex V.

^{1a} Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Amendment 28

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under this instrument.

Amendment

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under this instrument. **The findings of the evaluation shall be forwarded to the European Parliament without delay.**

Amendment 29

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Following the mid-term review and the retrospective evaluation, the Commission shall submit to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions: ((

a) by June 2024, an interim evaluation report on the implementation of this Regulation; that interim evaluation report shall include an assessment of the mid-term review carried out in accordance with this Regulation and Regulation (EU) No .../... [CPR];

b) no later than 30 June 2027, an ex post evaluation report on the impact of this Regulation and the Specific Regulations following the completion of the national programmes.

The European Parliament shall invite the Commission to take part in a structured dialogue on the mid-term review and the ex post evaluation.

Amendment 30

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

Amendment

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]. The report submitted in 2023 shall cover the implementation of the programme carried out until 30 June 2022.

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission **and to the European Parliament** the annual performance report as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]. The report submitted in 2023 shall cover the implementation of the programme carried out until 30 June 2022.

Amendment 31

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

It shall apply from 1 January 2021.

Amendment

It shall apply from 1 January 2021 ***until 31 December 2027.***

Amendment 32

Proposal for a regulation Annex III – point 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the exchange of best practices to evaluate, promote, support and develop further the Union's policies and objectives, in particular as regards the protection of fundamental rights in the context of the various components of border control in particular as regards the identification, the provision of immediate assistance to and the referral to protection services of vulnerable persons, in particular women, children and unaccompanied minors;

Amendment 33

Proposal for a regulation Annex IV – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) Measures which aim at improving the interoperability of IT systems and communication networks.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa
References	COM(2018)0473 – C8-0272/2018 – 2018/0249(COD)
Committee responsible Date announced in plenary	LIBE 2.7.2018
Opinion by Date announced in plenary	AFET 2.7.2018
Rapporteur Date appointed	Eduard Kukan 10.7.2018
Discussed in committee	21.11.2018
Date adopted	6.12.2018
Result of final vote	+: 33 –: 4 0: 3
Members present for the final vote	Petras Auštrevičius, Klaus Buchner, Lorenzo Cesa, Aymeric Chauprade, Javier Couso Permuy, Georgios Epitideios, Eugen Freund, Michael Gahler, Iveta Grigule-Pēterse, Sandra Kalniete, Karol Karski, Tunne Kelam, Wajid Khan, Andrey Kovatchev, Eduard Kukan, Ilhan Kyuchyuk, Arne Lietz, Sabine Lösing, Andrejs Mamikins, Ramona Nicole Mănescu, David McAllister, Tamás Meszerics, Clare Moody, Pier Antonio Panzeri, Demetris Papadakis, Alojz Peterle, Julia Pitera, Cristian Dan Preda, Jozo Radoš, Alyn Smith, Jordi Solé, László Tőkés, Anders Primdahl Vistisen
Substitutes present for the final vote	Asim Ademov, Tanja Fajon, Soraya Post, Marie-Christine Vergiat, Janusz Zemke
Substitutes under Rule 200(2) present for the final vote	Thomas Waitz, Bogdan Andrzej Zdrojewski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

33	+
ALDE	Petras Auštrevičius, Iveta Grigule-Pēterse, Ilhan Kyuchyuk, Jozo Radoš
EFDD	Aymeric Chauprade
PPE	Asim Ademov, Lorenzo Cesa, Michael Gahler, Sandra Kalniete, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, David McAllister, Ramona Nicole Mănescu, Alojz Peterle, Julia Pitera, Cristian Dan Preda, Bogdan Andrzej Zdrojewski
S&D	Tanja Fajon, Eugen Freund, Wajid Khan, Arne Lietz, Andrejs Mamikins, Clare Moody, Pier Antonio Panzeri, Demetris Papadakis, Soraya Post, Janusz Zemke
VERTS/ALE	Klaus Buchner, Tamás Meszerics, Alyn Smith, Jordi Solé, Thomas Waitz

4	-
GUE/NGL	Javier Couso Permuy, Sabine Lösing, Marie-Christine Vergiat
NI	Georgios Epitideios

3	0
ECR	Karol Karski, Anders Primdahl Vistisen
PPE	László Tőkés

Key to symbols:

+ : in favour

- : against

0 : abstention

6.11.2018

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa
(COM(2018)0473 – C8-0272/2018 – 2018/0249(COD))

Rapporteur for opinion: Monika Hohlmeier

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The European Union is currently facing major challenges in the area of border management, border protection, and visa policy. In its resolution of 14 March 2018, the European Parliament reiterated its priority to strengthen external borders and to adequately provision future funds in the area of asylum and migration. A stronger and a more ambitious Europe can only be achieved if it is provided with reinforced financial means, which requires

continuous support to existing policies, increasing resources to the Union's flagship programmes, and additional responsibilities to be matched with additional financial means. The new tasks and strengthened efforts require an increase of financial means, technical equipment, and staffing for the respective programmes, agencies, and the Member States concerned.

Amendment 2

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), inter-agency cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address **illegal** immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support.

Amendment

(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), inter-agency cooperation (including the regular exchange of information) **and cooperation with EU's external action such as civilian crisis management**, cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address **irregular** immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support.

Amendment 3

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, burden-sharing, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as third countries and other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), Europol and international organisations.

Amendment

(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, burden-sharing, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as third countries and other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), Europol, ***EU's crisis management***, and international organisations.

Amendment 4

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) The new challenges and additional tasks require the agencies involved in border management to be equipped with the necessary funding and staffing. Besides young professionals, experienced experts from Member States should also be hired and graded according to their experience.

Amendment 5

Proposal for a regulation
Recital 27 a (new)

(27 a) Due to the strong linkage of border and visa management with other policy fields, such as the Maritime and Fisheries Fund or the EU Anti-fraud Programme, the Commission should ensure a strongly coordinated approach, possible synergies, and transparency in the respective spending. Clear and transparent rules should prevent double funding.

Amendment 6

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives.

Amendment

(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries, ***including through participation in civilian crisis management***, and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives.

Amendment 7

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the threat levels at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates.

Amendment

(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the threat levels ***based on recent and historical data*** at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates.

Amendment 8

**Proposal for a regulation
Recital 39 a (new)**

Text proposed by the Commission

Amendment

(39 a) The mid-term review should be used to assess the effectiveness and EU added value of programmes, resolve problems that appeared during the first phase, and provide a transparent overview of the implementation.

Amendment 9

**Proposal for a regulation
Recital 40 a (new)**

Text proposed by the Commission

Amendment

(40 a) In view of the dramatic experience of the European Union with the challenges on border management and visa of the previous years and the lacking flexible funding to tackle those challenges, the thematic facility should be available for upcoming new challenges and to create EU added value without using up the available margins and flexibility instruments.

Amendment 10

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.

Amendment

(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union ***or participation in its external action such as civilian crisis management***, which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.

Amendment 11

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) Reflecting the ***importance*** of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this instrument will contribute to mainstream climate actions and to the achievement of an overall target of **25 %** of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the preparation and implementation of the

Amendment

(57) Reflecting the ***urgency*** of tackling climate change in line with the Union's commitments to implement the Paris Agreement and ***to be a frontrunner in implementing*** the United Nations Sustainable Development Goals ***including gender equality***, this instrument will contribute to mainstream climate actions and to the achievement of an overall target of ***at least 25 % over the MFF 2021-2027 period and 30 % as soon as possible and***

instrument, and reassessed in the context of the relevant evaluations and review processes.

at the latest by 2027 of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the preparation and implementation of the instrument, and reassessed in the context of the relevant evaluations and review processes.

Amendment 12

Proposal for a regulation Recital 58 a (new)

Text proposed by the Commission

Amendment

(58 a) It is important to ensure sound financial management and legal certainty during the transitional period and throughout the implementation of the Instrument. Actions undertaken during the 2014-2020 period should not be interrupted during the transition.

Amendment 13

Proposal for a regulation Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***illegal*** immigration and cross-border crime and to effectively manage migratory flows;

(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ***irregular*** immigration and cross-border crime and to effectively manage migratory flows;

Amendment 14

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II.

Amendment

3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented *inter alia* through the implementation measures listed in Annex II.

Amendment 15

**Proposal for a regulation
Article 4 – paragraph 1**

Text proposed by the Commission

1. Within the objectives referred to in Article 3 and in line with the implementation measures listed in Annex II, the instrument shall in particular support the actions listed in Annex III.

Amendment

1. Within the objectives referred to in Article 3 and, **where appropriate**, in line with the implementation measures listed in Annex II, the instrument shall in particular support the actions listed in Annex III.

Amendment 16

**Proposal for a regulation
Article 6 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3 a. The implementation of the instrument shall not entail high administrative burden that negatively impacts its effectiveness or prevents Member States from retrieving funding.

Amendment 17

**Proposal for a regulation
Article 6 – paragraph 3 b (new)**

Text proposed by the Commission

Amendment

3 b. The Commission and the Member States shall cooperate in the implementation of the instrument. The Commission shall set up a helpdesk and

contact point to provide support to Member States and contribute to the effective allocation of funding.

Amendment 18

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR 8 018 000 000 in current prices.

Amendment

1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be **EUR 7 087 760 000 in 2018 prices (EUR 8 018 000 000 in current prices)**.

Justification

The financial envelope is proposed to be amended in line with the EP resolutions of 14 March and 30 May on the next MFF, based on a preliminary technical breakdown per programme that could be subject to further adjustments, while respecting the overall EP position as set out in those resolutions and the overall level of 1.3% of the EU-27 GNI.

Amendment 19

Proposal for a regulation Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) EUR 4 811 000 000 shall be allocated to the programmes implemented under shared management, of which EUR 157 200 000 for the Special Transit Scheme referred to in Article 16, implemented under shared management;

Amendment

(a) **EUR 4 252 833 000 in 2018 prices (EUR 4 811 000 000 in current prices)** shall be allocated to the programmes implemented under shared management, of which EUR **138 962 000 in 2018 prices (EUR 157 200 000 in current prices)** for the Special Transit Scheme referred to in Article 16, implemented under shared management;

Amendment 20

Proposal for a regulation Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) EUR 3 207 000 000 shall be allocated to the thematic facility.

Amendment

(b) **EUR 2 834 927 000 in 2018 prices (EUR 3 207 000 000 in current prices)** shall be allocated to the thematic facility.

Amendment 21

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

Text proposed by the Commission

(a) EUR 4 009 000 000 to the Member States in accordance with the criteria in Annex I;

Amendment

(a) **EUR 3 543 880 000 in 2018 prices (EUR 4 009 000 000 in current prices)** to the Member States in accordance with the criteria in Annex I;

Amendment 22

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

Text proposed by the Commission

(b) EUR 802 000 000 to the Member States for the adjustment of the allocations for the programmes as referred to in in Article 13(1).

Amendment

(b) **EUR 708 953 000 in 2018 prices (EUR 802 000 000 in current prices)** to the Member States for the adjustment of the allocations for the programmes as referred to in in Article 13(1).

Amendment 23

**Proposal for a regulation
Article 11 – paragraph 5**

Text proposed by the Commission

5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.

Amendment

5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance **including participation through civilian crisis management.**

Amendment 24

Proposal for a regulation Article 12 – paragraph 10

Text proposed by the Commission

10. Whenever a Member State decides to implement projects with or in a third country with the support of the instrument, the Member State concerned shall consult the Commission prior to the start of the project.

Amendment

10. Whenever a Member State decides to implement projects with or in a third country with the support of the instrument, ***including participation in civilian crisis management***, the Member State concerned shall consult the Commission prior to the start of the project.

Amendment 25

Proposal for a regulation Article 12 – paragraph 11

Text proposed by the Commission

11. Whenever a Member State decides to implement actions with or in a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating ***illegal*** immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013.

Amendment

11. Whenever a Member State decides to implement actions with or in a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating ***irregular*** immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013.

Amendment 26

Proposal for a regulation Article 12 – paragraph 12 – point c

Text proposed by the Commission

(c) Member States may decide to

Amendment

(c) Member States may decide to

purchase *items for* multi-purpose *maritime operations supported by the instrument*, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. *These* items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;

purchase multi-purpose *assets or develop ICT-systems*, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. Items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;

Amendment 27

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States may decide to purchase equipment or develop ICT-systems for multi-purpose use provided that these items and systems when operated by the relevant national authorities are in a majority used for the actions which fall under the scope of the Fund or instrument. The costs of these actions may be included in full to the Fund or instrument.

Amendment 28

Proposal for a regulation

Article 25 – paragraph 5

Text proposed by the Commission

Amendment

5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to

5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to

supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States.

supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States. ***As a basis for the review, the Commission shall take into account improved implementation of the projects, qualitative spending, reduction of unnecessary administrative burden, the effectiveness support to Member States, and the overall priorities of the Internal Security Fund as regards borders and visa.***

Amendment 29

Proposal for a regulation Annex I – point 7 – introductory part

Text proposed by the Commission

7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available on the date of the applicability of this Regulation. For the purposes of the mid-term review, the assessment of the workload shall be based on the latest average figures ***covering the preceding 36 months*** available at the time of the mid-term review in 2024. The assessment of the workload shall be based on the following factors:

Amendment

7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months ***and historical data*** available on the date of the applicability of this Regulation. For the purposes of the mid-term review, the assessment of the workload shall be based on the latest ***and historical*** average figures available at the time of the mid-term review in 2024. The assessment of the workload shall be based on the following factors:

Amendment 30

Proposal for a regulation Annex I – point 11 – introductory part

Text proposed by the Commission

11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest average figures covering the

Amendment

11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest average figures covering the

preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest average figures **covering the preceding 36 months** available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the threat levels as defined in Regulation (EU) No 1052/2013:

preceding 36 months **and historical data** on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest **and historical** average figures available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the threat levels as defined in Regulation (EU) No 1052/2013:

Amendment 31

Proposal for a regulation Annex II – point 1 – point c

Text proposed by the Commission

(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices and agencies or third countries, on the other;

Amendment

(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices and agencies, **including external action and activities** or third countries, on the other;

Amendment 32

Proposal for a regulation Annex III – point 1 – point c

Text proposed by the Commission

(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs and risk analysis and in full compliance with fundamental rights;

Amendment

(c) training in the field of or contributing to the development of European integrated border management, **also for civilian crisis management purposes**, taking into account operational needs and risk analysis and in full compliance with fundamental rights;

Amendment 33

Proposal for a regulation Annex IV – point 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Measures which aim at improving the interoperability of IT systems and communication networks.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa
References	COM(2018)0473 – C8-0272/2018 – 2018/0249(COD)
Committee responsible Date announced in plenary	LIBE 2.7.2018
Opinion by Date announced in plenary	BUDG 2.7.2018
Rapporteur Date appointed	Monika Hohlmeier 28.6.2018
Discussed in committee	26.9.2018
Date adopted	5.11.2018
Result of final vote	+: 23 -: 2 0: 2
Members present for the final vote	Jean Arthuis, Reimer Böge, Lefteris Christoforou, Gérard Deprez, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Ingeborg Gräßle, Monika Hohlmeier, John Howarth, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Jan Olbrycht, Paul Rübig, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Tiemo Wölken, Marco Zanni
Substitutes present for the final vote	Karine Gloanec Maurin, Alain Lamassoure, Janusz Lewandowski, Andrey Novakov, Marco Valli
Substitutes under Rule 200(2) present for the final vote	Michael Detjen

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

23	+
ALDE	Jean Arthuis, Gérard Deprez
ECR	Bernd Kölmel, Zbigniew Kuźmiuk
PPE	Reimer Böge, Lefteris Christoforou, José Manuel Fernandes, Ingeborg Gräßle, Monika Hohlmeier, Alain Lamassoure, Janusz Lewandowski, Andrey Novakov, Jan Olbrycht, Paul Rübig, Inese Vaidere
S&D	Michael Detjen, Eider Gardiazabal Rubial, Karine Gloanec Maurin, John Howarth, Vladimír Maňka, Isabelle Thomas, Tiemo Wölken
VERTS/ALE	Indrek Tarand

2	-
ENF	André Elissen
NI	Eleftherios Synadinos

2	0
EFDD	Marco Valli
ENF	Marco Zanni

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa		
References	COM(2018)0473 – C8-0272/2018 – 2018/0249(COD)		
Date submitted to Parliament	13.6.2018		
Committee responsible Date announced in plenary	LIBE 2.7.2018		
Committees asked for opinions Date announced in plenary	AFET 2.7.2018	BUDG 2.7.2018	
Rapporteurs Date appointed	Tanja Fajon 9.7.2018		
Discussed in committee	27.11.2018	7.1.2019	19.2.2019
Date adopted	19.2.2019		
Result of final vote	+: –: 0:	41 9 2	
Members present for the final vote	Asim Ademov, Malin Björk, Michał Boni, Caterina Chinnici, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Romeo Franz, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Barbara Kudrycka, Monica Macovei, Roberta Metsola, Claude Moraes, Péter Niedermüller, Ivari Padar, Judith Sargentini, Giancarlo Scottà, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra		
Substitutes present for the final vote	Carlos Coelho, Pál Csáky, Miriam Dalli, Gérard Deprez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Ska Keller, Jeroen Lenaers, Innocenzo Leontini, Emilian Pavel, Morten Helveg Petersen, Emil Radev, Barbara Spinelli, Jaromír Štětina		
Substitutes under Rule 200(2) present for the final vote	Eleonora Evi, Iris Hoffmann, Sabine Lösing, Rainer Wieland		
Date tabled	26.2.2019		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

41	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Sophia in 't Veld, Morten Helveg Petersen, Cecilia Wikström
ECR	Monica Macovei
EFDD	Eleonora Evi, Laura Ferrara
PPE	Asim Ademov, Michał Boni, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Emil Radev, Csaba Sógor, Jaromír Štětina, Traian Ungureanu, Rainer Wieland, Tomáš Zdechovský
S&D	Caterina Chinnici, Miriam Dalli, Tanja Fajon, Ana Gomes, Sylvie Guillaume, Anna Hedh, Iris Hoffmann, Claude Moraes, Péter Niedermüller, Ivari Padar, Emilian Pavel, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Ska Keller, Judith Sargentini, Bodil Valero

9	-
ECR	Branislav Škripek, Helga Stevens, Kristina Winberg
ENF	Giancarlo Scottà, Auke Zijlstra
GUE/NGL	Malin Björk, Sabine Lösing, Barbara Spinelli, Marie-Christine Vergiat

2	0
ECR	Innocenzo Leontini
PPE	Pál Csáky

Key to symbols:

+ : in favour

- : against

0 : abstention