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*Committee on Civil Liberties, Justice and Home Affairs*

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**2010/0039(COD)**

6.1.2011

# **AMENDMENTS**

## **69 - 254**

**Draft report**

**Simon Busuttil**

(PE450.754v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)

Proposal for a regulation – amending act  
(COM(2010)0061 – C7-0045/2010 – 2010/0039(COD))



**Amendment 69**  
**Rui Tavares**

**Draft legislative resolution**  
**Paragraph 2 a (new)**

*Draft legislative resolution*

*Amendment*

***2a. Calls on the Commission to put forward as soon as possible a new proposal for the overall revision of the Frontex's mandate;***

Or. en

**Amendment 70**  
**Anna Maria Corazza Bildt**

**Draft legislative resolution**  
**Paragraph 2 a (new)**

*Draft legislative resolution*

*Amendment*

***2a. Recalls the need to revise the Schengen Borders Code in order to include clear EU rules for Frontex-coordinated sea operations regarding interception, rescue at sea and disembarkation;***

Or. en

**Amendment 71**  
**Birgit Sippel**

**Draft legislative resolution**  
**Paragraph 3**

*Draft legislative resolution*

*Amendment*

3. Instructs its President to forward its position to the Council, the Commission

3. Instructs its President to forward its position to the Council, the Commission, ***the European Data Protection Supervisor***

and the national parliaments.

and the national parliaments.

Or. en

**Amendment 72**

**Andreas Mölzer, Franz Obermayr**

**Proposal for a regulation – amending act**

**Recital 1**

*Text proposed by the Commission*

(1) The development of a forward-looking and comprehensive European migration policy, based on solidarity and responsibility, remains a key policy objective for the European Union.

*Amendment*

(1) The development of a forward-looking and comprehensive European migration policy, based on **surveillance**, solidarity and responsibility, remains a key policy objective for the European Union.

Or. de

**Amendment 73**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Recital 1**

*Text proposed by the Commission*

(1) The development of a forward-looking and comprehensive European migration policy, based on solidarity and responsibility, remains a key policy objective for the European Union.

*Amendment*

(1) The development of a forward-looking and comprehensive European migration policy, based on **human rights**, solidarity and responsibility, remains a key policy objective for the European Union.

Or. en

**Amendment 74**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act**

**Recital 1**

*Text proposed by the Commission*

(1) The development of a forward-looking and comprehensive European migration policy, based on solidarity and responsibility, remains a key policy objective for the European Union.

*Amendment*

(1) The development of a forward-looking and comprehensive European migration policy, based on **human rights**, solidarity and responsibility, remains a key policy objective for the European Union.

Or. en

**Amendment 75**

**Rui Tavares**

**Proposal for a regulation – amending act  
Recital 4**

*Text proposed by the Commission*

(4) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, notably human dignity, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data, right to asylum, non-refoulement, non discrimination, the rights of the child and right to an effective remedy. This Regulation should be applied by the Member States in accordance with these rights and principles.

*Amendment*

(4) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union **and the European Convention for the Protection of Human Rights and Fundamental Freedoms**, notably human dignity, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data, right to asylum, non-refoulement, **prohibition of collective expulsions**, non discrimination, the rights of the child and right to an effective remedy. This Regulation should be applied by the Member States in accordance with these rights and principles.

Or. en

**Amendment 76**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act  
Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Measures taken in the course of surveillance operations should be proportionate to the objectives pursued and fully respect fundamental rights and the rights of refugees and asylum seekers, including in particular the prohibition of refoulement. Member States are bound by the provisions of the asylum acquis with regard to applications for asylum made in their territories, including at the border or in the transit zones, of Member States.***

Or. en

## **Amendment 77**

**Franziska Keller, H el ene Flautre on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) In 2004 the Council adopted Regulation (EC) No 2007/2004 establishing the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) hereinafter referred to as the "Agency" which became operational in May 2005.

(5) In 2004 the Council adopted Regulation (EC) No 2007/2004 establishing the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) hereinafter referred to as the "Agency" which became operational in May 2005. ***The tasks of the Agency are defined in Chapter II, Article 2, of Regulation (EC) No 2007/2004.***

Or. en

## **Amendment 78**

**Rui Tavares**

### **Proposal for a regulation – amending act Recital 7**

*Text proposed by the Commission*

(7) Efficient management of the external borders through checks and surveillance contributes to combat illegal immigration and trafficking in human beings **and to reduce the threats to the internal security, public policy, public health and international relations of the Member States.**

*Amendment*

(7) Efficient management of the external borders through checks and surveillance contributes to combat illegal immigration and trafficking in human beings.

Or. en

**Amendment 79**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act  
Recital 7**

*Text proposed by the Commission*

(7) Efficient management of the external borders through checks and surveillance contributes to combat **illegal immigration and** trafficking in human beings and to reduce the threats to the internal security, public policy, public health and international relations of the Member States.

*Amendment*

(7) Efficient management of the external borders through checks and surveillance contributes to combat trafficking in human beings and to reduce the threats to the internal security, public policy, public health and international relations of the Member States.

Or. en

**Amendment 80**

**Franziska Keller, H el ene Flautre on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act  
Recital 7**

*Text proposed by the Commission*

(7) Efficient management of the external borders through checks and surveillance contributes to combat **illegal** immigration

*Amendment*

(7) Efficient management of the external borders through checks and surveillance contributes to combat **irregular**

and trafficking in human beings and to reduce the *threats* to the internal security, public policy, public health and international relations of the Member States.

immigration and trafficking in human beings and to reduce the *challenges* to the internal security, public policy, public health and international relations of the Member States.

Or. en

**Amendment 81**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**  
**Recital 7**

*Text proposed by the Commission*

(7) Efficient management of the external borders through checks and surveillance contributes to *combat illegal* immigration and trafficking in human beings and to *reduce* the threats to the internal security, public policy, public health and international relations of the Member States.

*Amendment*

(7) Efficient management of the external borders through checks and surveillance contributes to *combating irregular* immigration and trafficking in human beings and to *reducing* the threats to the internal security, public policy, public health and international relations of the Member States.

Or. fr

*Justification*

*One can talk about ‘illegal presence’, ‘residence without authorisation’, or ‘clandestine immigration’, but it is not appropriate to talk of ‘illegal immigration’.*

**Amendment 82**  
**Cecilia Wikström**

**Proposal for a regulation – amending act**  
**Recital 7**

*Text proposed by the Commission*

(7) Efficient management of the external borders through checks and surveillance contributes to combat *illegal* immigration and trafficking in human beings and to reduce the threats to the internal security,

*Amendment*

(7) Efficient management of the external borders through checks and surveillance contributes to combat *irregular* immigration and trafficking in human beings and to reduce the threats to the



public policy, public health and international relations of the Member States.

internal security, public policy, public health and international relations of the Member States.

Or. en

*Justification*

*The Community institutions should undertake to ensure that, in future, semantically and legally appropriate terminology is used that is compatible with national legislation in the Member States, whose aim is to replace the term 'illegal immigration' with 'irregular immigration'.*

**Amendment 83**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Recital 10**

*Text proposed by the Commission*

(10) The mandate of the Agency should therefore be revised in order to strengthen in particular the operational capabilities of the Agency while ensuring that all measures taken are proportionate to the objectives pursued and fully respect fundamental rights and the rights of refugees and asylum seekers, including in particular the prohibition of refoulement.

*Amendment*

(10) The mandate of the Agency should therefore be revised in order to strengthen in particular the operational capabilities of the Agency while ensuring that all measures taken are proportionate to the objectives pursued and fully respect fundamental rights and the rights of refugees and asylum seekers, including in particular the prohibition of refoulement **and collective expulsions**.

Or. en

**Amendment 84**

**Rui Tavares**

**Proposal for a regulation – amending act**

**Recital 11**

*Text proposed by the Commission*

***(11) Current possibilities for providing effective assistance to the Member States regarding the operational aspects of***

*Amendment*

***deleted***

*external border management should be reinforced as concerns the available technical resources; the Agency must be able to plan with sufficient accuracy the coordination of joint operations or pilot projects.*

Or. en

**Amendment 85**  
**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**  
**Recital 12**

*Text proposed by the Commission*

*Amendment*

*(12) Minimum levels of necessary technical equipment provided on a compulsory basis by the Member States and/or the Agency will largely contribute to a better planning and implementation of the envisaged operations coordinated by the Agency.*

*deleted*

Or. en

**Amendment 86**  
**Sari Essayah**

**Proposal for a regulation – amending act**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

*(14a) Measures to render operations more effective should not result in supranational administration of resources earmarked for Member States' border security, nor should they call into question the unambiguous responsibility of Member States for surveillance of the external borders and for the quality and quantity of the resources to be used to maintain border security. Responsibility for managing border security operations*

*should also invariably rest with the Member-State authority in whose area the operations are carried out at any given time.*

Or. fi

## **Amendment 87**

**Franziska Keller, H el ene Flautre on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act Recital 17**

*Text proposed by the Commission*

(17) The incident reporting scheme shall be used by the Agency to transmit, to the relevant public authorities and the Management Board, any information concerning credible allegations of breaches of, in particular, Regulation (EC) No 2007/2004 or the Schengen Borders Code, including fundamental rights, during joint operations and pilot projects.

*Amendment*

(17) The incident reporting scheme shall be used by the Agency to transmit, to the relevant ***national and EU*** public authorities and the Management Board, any information concerning credible allegations of breaches of, in particular, Regulation (EC) No 2007/2004 or the Schengen Borders Code, including fundamental rights, during joint operations and pilot projects.

Or. en

## **Amendment 88**

**Rui Tavares, Cornelia Ernst**

### **Proposal for a regulation – amending act Recital 19**

*Text proposed by the Commission*

(19) The Agency should provide training, including on fundamental rights, at European level for national instructors of border guards ***and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals illegally present in the Member States for***

*Amendment*

(19) The Agency, ***together with the United Nations High Commissioner for Refugees, the European Asylum Support Office, the International Organization for Migration and other relevant European and international organisations,*** should provide training, including on fundamental rights, at European level for national

*officers of the competent national services.* The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

instructors of border guards. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

Or. en

**Amendment 89**  
**Andreas Mölzer, Franz Obermayr**

**Proposal for a regulation – amending act**  
**Recital 19**

*Text proposed by the Commission*

(19) The Agency should provide training, including on fundamental rights, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals illegally present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

*Amendment*

(19) The Agency should provide training, including on *effective denial of admission to or apprehension of people crossing the border illegally, while respecting* fundamental rights, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals illegally present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

Or. de

**Amendment 90**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation – amending act**  
**Recital 19**

*Text proposed by the Commission*

(19) The Agency should provide training, including on fundamental rights, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals illegally present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

*Amendment*

(19) The Agency should provide training, including on fundamental rights, ***international protection and asylum procedures***, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals illegally present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

Or. en

**Amendment 91**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act  
Recital 19**

*Text proposed by the Commission*

(19) The Agency should provide training, including on fundamental rights, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals ***illegally*** present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

*Amendment*

(19) The Agency should provide training, including on fundamental rights, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals ***irregularly*** present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

## Amendment 92

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act Recital 20

*Text proposed by the Commission*

(20) The Agency should **monitor and contribute to** the developments in scientific research relevant for its field and disseminate this information to the Commission and the Member States.

*Amendment*

(20) The Agency should **follow** the developments in scientific research relevant for its field and disseminate this information to the Commission and the Member States.

Or. en

## Amendment 93

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act Recital 21

*Text proposed by the Commission*

***(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of***

*Amendment*

***deleted***

*third-country nationals illegally present in the territories of the Member States. No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.*

Or. en

**Amendment 94**  
**Cecilia Wikström**

**Proposal for a regulation – amending act**  
**Recital 21**

*Text proposed by the Commission*

(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.

*Amendment*

(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. ***The joint return operations should always be monitored by an independent body.*** No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.

Or. en

**Amendment 95**  
**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**  
**Recital 21**

*Text proposed by the Commission*

(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.

*Amendment*

(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights *and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the protocols thereto*.

Or. en

**Amendment 96**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**  
**Recital 22**

*Text proposed by the Commission*

(22) For the purpose of fulfilling its

*Amendment*

(22) For the purpose of fulfilling its



mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework of the external relations policy of the European Union.

mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework of the external relations policy of the European Union. ***The Agency should not duplicate the work of Europol or other agencies nor should it take over tasks from Europol or other agencies.***

Or. en

**Amendment 97**  
**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**  
**Recital 22**

*Text proposed by the Commission*

(22) For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework

*Amendment*

(22) For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework

of the external relations policy of the European Union.

of the external relations policy of the European Union *under the condition that the relevant third countries have signed Geneva Convention Relating to the Status of Refugees of 28 July 1951.*

Or. en

**Amendment 98**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**  
**Recital 22**

*Text proposed by the Commission*

(22) For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework of the external relations policy of the European Union.

*Amendment*

(22) For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international *and other* organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework of the external relations policy of the European Union.

Or. fr

*Justification*

*The Agency should be allowed to work with a wider variety of cooperation partners so as to enable it to benefit from the expertise and know-how of a greater number of organisations.*

## Amendment 99

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Recital 27

*Text proposed by the Commission*

(27) When ensuring the operational management of IT systems, the Agency should follow European and international standards taking into account the highest professional requirements.

*Amendment*

(27) When ensuring the operational management of IT systems, the Agency should follow European and international standards, ***including on data protection***, taking into account the highest professional requirements.

Or. en

## Amendment 100

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

***(28a) The European Data Protection Supervisor concluded in his opinion in case 2009-0281 that Article 9, concerning return policy, of Regulation (EC) No 2007/2004 was not clear enough to serve as a long-term legal basis and therefore a legal basis for data processing would need to be established, and that FRONTEX should implement necessary procedures to guarantee the rights of data subjects.***

Or. en

## Amendment 101

Timothy Kirkhope on behalf of the ECR Group

### Proposal for a regulation – amending act

#### Recital 36

*Text proposed by the Commission*

*Amendment*

**(36) A controversy exists between the Kingdom of Spain and the United Kingdom on the demarcation of the borders of Gibraltar.** *deleted*

Or. en

## **Amendment 102**

**Timothy Kirkhope on behalf of the ECR Group**

**Proposal for a regulation – amending act  
Recital 37**

*Text proposed by the Commission*

*Amendment*

**(37) The suspension of the applicability of this Regulation to the borders of Gibraltar does not imply any change in the respective positions of the States concerned,** *deleted*

Or. en

## **Amendment 103**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act  
Article 1 - point 1**

Regulation (EC) No 2007/2004

Article 1 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, ***jointly with the Agency, as a body of the Union as defined in Article 15 and in accordance with Article 19 of this***

to the management of external borders, in particular the Schengen Borders Code, and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States.

***Regulation, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code, and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States. The Agency shall fulfil its tasks in full respect for relevant Union law, including the Charter of Fundamental Rights of the European Union and Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>1</sup>; international law, including the Geneva Convention Relating to the Status of Refugees of 28 July 1951, obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights.***

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<sup>1</sup> OJ L 111, 4.5.2010, p. 20.

Or. en

**Amendment 104**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 2007/2004

Article 1 – paragraph 2

*Text proposed by the Commission*

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code, ***and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights.*** It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States.

*Amendment*

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code ***and Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>1</sup>***. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States.

***The Agency shall perform its tasks, acting fully in accordance with relevant Union law, including the Charter of Fundamental Rights of the European Union, international law, including the Geneva Convention of 28 July 1951 relating to the Status of Refugees, obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights.***

*Justification*

*Il est essentiel d'ajouter une référence à la Décision du Conseil du 26 avril 2010 visant à compléter le Code frontières Schengen, rappelant ainsi notamment les règles contenues dans les lignes directrices pour les opérations maritimes de l'Agence. Conformément à ladite décision, ces lignes directrices, bien que non contraignantes, font partie du plan opérationnel élaboré par l'Agence et les Etats membres participants pour chaque opération coordonnée par l'Agence. Elles visent ainsi à rendre explicite l'obligation du respect des droits fondamentaux et des droits des réfugiés dans les opérations de surveillance dans le cadre de l'Agence Frontex, inscrivant entre autres l'interdiction de refoulement et les règles applicables en mer, en matière notamment d'interception, de cas de recherche et de sauvetage pouvant survenir au cours de l'opération de surveillance et de débarquement. Il est en outre essentiel de renforcer les dispositions relatives aux droits fondamentaux afin de clarifier et d'explicitier la base juridique pertinente en la matière.*

**Amendment 105**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 2007/2004

Article 1 – paragraph 2

*Text proposed by the Commission*

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code, and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external

*Amendment*

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code, and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external

borders of the Member States.

borders of the Member States. *The Agency shall fulfil its tasks in full respect for relevant Union law, including the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, international law, including the Geneva Convention Relating to the Status of Refugees of 28 July 1951, obligations related to access to international protection, in particular the principle of non-refoulement and prohibition of collective expulsions, and fundamental rights.*

Or. en

**Amendment 106**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 1 a (new)**

Regulation (EC) No 2007/2004

Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*(1a) The following paragraph is inserted in Article 1:*

*“2a. To enable human rights obligations to be fulfilled more readily, the Agency shall draw up a Code of Conduct applicable to all operations managed jointly and/or coordinated by the Agency and to pilot projects carried out in cooperation with Member States. The Code shall lay down standardised common procedures intended in particular to guarantee respect for fundamental rights and to establish an effective independent system for monitoring of operations. To ensure that the above-mentioned activities are conducted transparently and evaluated coherently, the observations of the independent monitors shall be set out in*



*the evaluation reports referred to in Article 3(4) and incorporated into an annual reporting mechanism of the type specified in Article 20(2)(b).*

*In addition, the Agency, in consultation with the European Asylum Support Office, the Office of the United Nations High Commissioner for Refugees (UNHCR), and non-governmental organisations with expertise in this field, shall lay down specific guidelines enabling practical measures to be taken for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities. Those guidelines shall form part of the operational plan to be drawn up by the Agency and participating Member States for every operation involving the Agency.”*

Or. fr

#### *Justification*

*In addition to strengthening the legal framework, clear-cut practical arrangements need to be put in place in order to make for effective implementation and enable respect for human rights to be translated into reality on the ground. It is, moreover, difficult to imagine that any credible system for assessing and monitoring respect for human rights could be implemented by the Agency itself, which under the Commission proposal is to be given a greater role and wider ranging responsibility where operations are concerned.*

#### **Amendment 107** **Salvatore Iacolino**

**Proposal for a regulation – amending act**  
**Article 1 – point 1 a (new)**  
Regulation (EC) No 2007/2004  
Article 1 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***1a. Article 1(3) is replaced by the following:***

***"The Agency shall also provide the***

**Commission and the Member States with the necessary technical support and expertise in the management of the external borders and promote solidarity between Member States, especially those facing specific and disproportionate pressures. Monitoring of the work of the Agency shall take account, inter alia, of this specific assessment element.”**

Or. it

*Justification*

*It is essential that the process of monitoring the work of the Agency should take account of the effective capacity in readiness in the event of an emergency and/or in circumstances which require responses without delay to preserve the dignity of the person.*

**Amendment 108**  
**Monika Hohlmeier**

**Proposal for a regulation – amending act**  
**Article 1 – point 2 – point a**  
Regulation (EC) No 2007/2004  
Article 1a – point 2

*Text proposed by the Commission*

2. "host Member State" means a Member State on the territory of which, ***or adjacent to***, a deployment of a ***Rapid Border Intervention Team*** or a joint operation or a pilot project takes place;

*Amendment*

2. "host Member State" means a Member State on the territory of which a deployment of a ***rapid border intervention mission*** or a joint operation or a pilot project takes place ***or a Member State that has a border control interest in high sea areas justified by risks or threats based on risk analyses***;

Or. en

*Justification*

*High sea areas are not within the jurisdiction of a host Member State; yet there needs to be a definition of high sea areas where Frontex coordinated sea surveillance operations take place. With a clear focus on and limitation of the purpose of such operations, these concerned areas should be defined by risks or threats based on risk analyses.*

## Amendment 109

Simon Busuttil, Salvatore Iacolino

### Proposal for a regulation – amending act

#### Article 1 – point 2 – point a

Regulation (EC) No 2007/2004

Article 1a – point 2

#### *Text proposed by the Commission*

2. "host Member State" means a Member State on the territory of which, ***or adjacent to***, a deployment of a ***Rapid Border Intervention Team*** or a joint operation or a pilot project takes place;

#### *Amendment*

2. "host Member State" means a Member State on the territory ***or from the territory*** of which a deployment of a ***rapid border intervention mission*** or a joint operation or a pilot project takes place;

Or. en

## Amendment 110

Rui Tavares, Cornelia Ernst

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point a – point -i (new)

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – points a and b

#### *Text proposed by the Commission*

#### *Amendment*

***(-i) points (a) and (b) are replaced by the following:***

***"(a) coordinate operational cooperation between Member States in the field of management of external borders and rescue at sea;***

***(b) assist Member States on training of national border guards, including the establishment of common training standards in human rights and maritime law;"***

Or. en

## Amendment 111

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point a – point i

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point c

#### *Text proposed by the Commission*

(c) carry out risk analyses, including the evaluation of the capacity of Member States to **face threats** and **pressure** at the external borders;

#### *Amendment*

(c) carry out risk analyses **as defined in Article 4**, including the evaluation of the capacity of Member States to **manage control** and **surveillance** at the external borders;

Or. en

## Amendment 112

Rui Tavares, Cornelia Ernst

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point a – point i

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point d

#### *Text proposed by the Commission*

(d) participate in the development of research relevant for the control and surveillance of external borders;

#### *Amendment*

(d) participate in the development of research relevant for the control and surveillance of external borders **and their consequences under the Schengen Borders Code as supplemented by Council Decision 2010/252/EU of 26 April 2010<sup>1</sup> as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, and all obligations related to access to international protection and human rights**;

Or. en

### Amendment 113

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 3 – point a – point i**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point d

#### *Text proposed by the Commission*

(d) *participate in* the development of research relevant for the control and surveillance of external borders;

#### *Amendment*

(d) *follow* the development of research relevant for the control and surveillance of external borders;

Or. en

### Amendment 114

**Rui Tavares, Cornelia Ernst**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 3 – point a – point i a (new)**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point d a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(ia) the following point is added:*

*"(da) assist Member States in circumstances requiring increased technical and operational assistance at the external borders, namely for humanitarian emergencies and rescue at sea;"*

Or. en

## Amendment 115

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point a – point ii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

*Amendment*

*(ii) point (f) is replaced by the following:*

*deleted*

*"(f) provide Member States with the necessary support, including, upon request, coordination regarding organising joint return operations;"*

Or. en

## Amendment 116

Rui Tavares, Cornelia Ernst

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point a – point ii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

*Amendment*

(f) provide Member States with the necessary support, including, upon request, coordination regarding organising joint return *operations*;

(f) provide Member States with the necessary support, including, upon request, coordination regarding organising joint *voluntary* return operations;

Or. en

## Amendment 117

Simon Busuttil, Salvatore Iacolino

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point a – point ii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

(f) provide Member States with the necessary support, including, upon request, coordination regarding organising joint return operations;

*Amendment*

(f) provide Member States with the necessary support, including, upon request, coordination regarding organising joint return operations ***and voluntary returns***;

Or. en

**Amendment 118**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 3 – point a – point iii**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point h

*Text proposed by the Commission*

(h) develop and operate information systems that enable swift and reliable exchanges of information regarding emerging ***risks*** at the external borders, including the Information and Coordination Network established by Council Decision 2005/267/EC;

*Amendment*

(h) develop and operate information systems that enable swift and reliable exchanges of information regarding emerging ***challenges*** at the external borders, including the Information and Coordination Network established by Council Decision 2005/267/EC, ***without prejudice to the fact that the Agency shall not process personal data***;

Or. en

**Amendment 119**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act**

**Article 1 – point 3 – point a – point iii**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point h

*Text proposed by the Commission*

(h) develop and operate information

*Amendment*

(h) develop and operate ***in accordance***

systems that enable swift and reliable exchanges of information regarding emerging risks at the external borders, including the Information and Coordination Network established by Council Decision 2005/267/EC;

**with Regulation (EC) No 45/2001**  
information systems that enable swift and reliable exchanges of information regarding emerging risks at the external borders, including the Information and Coordination Network established by Council Decision 2005/267/EC;

Or. en

## **Amendment 120**

**Manfred Weber, Ernst Strasser**

### **Proposal for a regulation – amending act**

**Article 1 – point 3 – point a – point iii a (new)**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point i a (new)

*Text proposed by the Commission*

*Amendment*

***(iii a) the following point shall be added:***

***“(ia) surveillance of the application of the Schengen acquis.”***

Or. de

## **Amendment 121**

**Manfred Weber, Ernst Strasser**

### **Proposal for a regulation – amending act**

**Article 1 – point 3 – point a – point iii a (new)**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point i a (new)

*Text proposed by the Commission*

*Amendment*

***(iii a) the following point shall be added:***

***“(ia) participation in the system for assessing the application of the Schengen acquis.”***

Or. de



## Amendment 122

Andreas Mölzer, Franz Obermayr

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point b

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

#### *Text proposed by the Commission*

"All border guards and other personnel of the Member States, as well as the staff of the Agency shall, prior to their participation in operational activities organised by the Agency, have received training in relevant EU and international law, ***including*** fundamental rights ***and access to international protection.***"

#### *Amendment*

"All border guards and other personnel of the Member States, as well as the staff of the Agency shall, prior to their participation in operational activities organised by the Agency, have received training in relevant EU and international law, ***particularly concerning effective denial of admission to or apprehension of people crossing the border illegally, while respecting*** fundamental rights."

Or. de

## Amendment 123

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Article 1 – point 3 – point b

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

#### *Text proposed by the Commission*

All border guards and other personnel of the Member States, as well as the staff of the Agency shall, prior to their participation in operational activities organised by the Agency, have received training in relevant EU and international law, including fundamental rights and access to international protection.

#### *Amendment*

All border guards and other personnel of the Member States, as well as the staff of the Agency, ***including liaison officers deployed pursuant to Article 14(2) to third countries,*** shall, prior to their participation in operational activities organised by the Agency ***or their deployment to third countries,*** have received training in relevant EU and international law, including fundamental rights and access to international protection.

**Amendment 124**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 3 – point b**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

*Text proposed by the Commission*

“All border guards and other personnel of the Member States, as well as the staff of the Agency shall, prior to their participation in operational activities organised by the Agency, have received training in relevant EU and international law, including fundamental rights and access to international protection.”

*Amendment*

“All border guards and other personnel of the Member States, as well as the staff of the Agency shall, prior to their participation in operational activities organised by the Agency *and/or their deployment in third countries by the Agency*, have received training in relevant EU and international law, including fundamental rights and access to international protection.”

Or. fr

*Justification*

*The Commission proposal stipulates that liaison officers must be deployed as a matter of ‘priority’ in third countries constituting countries ‘of origin or transit’ as regards irregular immigration. Bearing in mind the varied nature of migration, liaison officers must, therefore, before they are deployed, be given training on the subject of fundamental rights and – not least – access to international protection.*

**Amendment 125**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 3 – point b a (new)**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the following paragraph 1aais inserted:*

*"Measures taken for the purpose of the surveillance operation must be conducted in accordance with fundamental rights and in a way that does not put at risk the safety of the persons intercepted or rescued."*

Or. en

**Amendment 126**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 3 – point b b (new)**

Regulation (EC) No 2007/2004

Article 2 – paragraph 1a b (new)

*Text proposed by the Commission*

*Amendment*

*(bb) The following paragraph 1ab is inserted:*

*"No person shall be disembarked in, or otherwise handed over to the authorities of, a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle. The special needs of children, victims of trafficking, persons in need of medical assistance, persons in need of international protection and other vulnerable persons shall be taken care of in conformity with international and Union law."*

Or. en

**Amendment 127**

**Simon Busuttil, Salvatore Iacolino**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The Agency may itself initiate joint operations and pilot projects in cooperation with Member States.

*Amendment*

The Agency may itself initiate joint operations and pilot projects in cooperation with Member States ***and in agreement with the host Member State.***

Or. en

**Amendment 128**  
**Zbigniew Ziobro**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The Agency may ***itself*** initiate joint operations and pilot projects ***in cooperation with Member States.***

*Amendment*

The Agency may ***suggest to Member States that they*** initiate joint operations and pilot projects.

Or. en

**Amendment 129**  
**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

Joint operations and pilot projects should be preceded by a ***thorough*** risk analysis.

*Amendment*

Joint operations and pilot projects should be preceded by a ***comprehensive*** risk analysis, ***including an assessment with respect to fundamental rights and international protection obligations.***

Or. en

## Amendment 130

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

Joint operations and pilot projects should be preceded by a thorough risk analysis.

*Amendment*

Joint operations and pilot projects should be preceded by a thorough risk analysis *as defined in Article 4.*

Or. en

## Amendment 131

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

### Proposal for a regulation – amending act

#### Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

*Amendment*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled *or in cases of violations of fundamental rights and international protection obligations, namely the right to asylum and the principle of non-refoulement.*

Or. en

## Amendment 132

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

*Amendment*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled ***and/or if violations of fundamental rights and international protection obligations have occurred.***

Or. en

**Amendment 133**

**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

*Amendment*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled, ***including because of violations of fundamental rights and international protection obligations.***

Or. en

**Amendment 134**

**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

*Amendment*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives, ***including respect for human rights and international protection obligations***, are no longer fulfilled.

Or. fr

*Justification*

*To ensure that human rights are truly respected, the Agency must be explicitly empowered to terminate joint operations or pilot projects if fundamental rights have been violated.*

**Amendment 135**

**Simon Busuttil, Salvatore Iacolino**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

*Amendment*

The Agency may also terminate joint operations, ***rapid border intervention missions*** and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

Or. en

**Amendment 136**

**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***The Agency shall develop a Code of Conduct to apply to the Agency's personnel and pooled border guards involved in all joint operations, in full compliance with fundamental rights, in particular the principles of human dignity, non-refoulement, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data and non discrimination.***

Or. en

## **Amendment 137**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The Agency shall constitute a pool of border guards called Frontex Joint Support Teams in accordance with the provisions of Article 3b, for possible deployment during joint operations and pilot projects referred to in paragraph 1. It shall decide on the deployment of human resources and technical equipment in accordance with Articles 3a and 7.

2. The Agency shall constitute a pool of border guards called Frontex Joint Support Teams in accordance with the provisions of Article 3b, for possible deployment during joint operations and pilot projects referred to in paragraph 1. It shall decide on the deployment of human resources and technical equipment in accordance with Articles 3a and 7. ***A pool of independent experts specialised in the rights of aliens and international protection shall be created in order to reinforce the Agency's capacity to identify and refer persons in need of international protection to the competent national asylum authorities in the context of operations coordinated by the Agency. UNHCR, as well as non-governmental organisations with relevant***



*expertise, shall be invited to join the operations both in advisory and in observer capacities. Such a permanent pool should work in close cooperation with relevant national asylum services and should participate on a systematic basis in joint operations and pilot projects.*

Or. en

## **Amendment 138**

**Sylvie Guillaume**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 2

#### *Text proposed by the Commission*

2. The Agency shall constitute a pool of border guards called Frontex Joint Support Teams in accordance with the provisions of Article 3b, for possible deployment during joint operations and pilot projects referred to in paragraph 1. It shall decide on the deployment of human resources and technical equipment in accordance with Articles 3a and 7.

#### *Amendment*

2. The Agency shall constitute a pool of border guards called Frontex Joint Support Teams in accordance with the provisions of Article 3b, for possible deployment during joint operations and pilot projects referred to in paragraph 1. It shall decide on the deployment of human resources and technical equipment in accordance with Articles 3a and 7. ***In accordance with the Code of Conduct applicable to operations as a whole, which specifically provides for an independent monitoring and evaluation system, the Agency shall arrange for the Office of the United Nations High Commissioner for Refugees (UNHCR) and non-governmental organisations with relevant expertise to participate in an advisory capacity as independent monitors in the joint operations and pilot projects referred to in paragraph 1.***

Or. fr

#### *Justification*

*See justification for Amendment 106.*

## **Amendment 139**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The Agency shall develop a Code of Conduct to apply to all Agency's staff, pooled border guards and other personnel participating in Agency's activities with a special focus on interpreters, including joint operations, Rapid Border Intervention Team deployments and pilot projects, describing the conduct expected of them in the performance of their duties in full compliance with fundamental rights, including the right to asylum. In this respect, any operation may be subject to spot-checks by an effective monitoring system.***

Or. en

## **Amendment 140**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. The Agency shall develop a general Code of Conduct which shall apply during all operations coordinated by the Agency, based on fundamental rights, in particular the principles of human***

*dignity, prohibition of torture and of inhuman or degrading treatment or punishment, non-refoulement, the rights to the protection of personal data and non discrimination. This Code of Conduct shall be developed in cooperation with other competent EU or international bodies and organisations, namely FRA, EASO, UNHCR and IOM.*

Or. en

**Amendment 141**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Agency shall evaluate the results of the joint operations *and* pilot projects and transmit the detailed evaluation reports within 60 days following the end of the activity to the Management Board. The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing *the* quality, coherence and efficiency of future operations and projects to be included in its general report provided for in Article 20(2)(b).

*Amendment*

4. The Agency shall evaluate the results of the joint operations, *rapid border intervention missions*, and pilot projects and transmit the detailed evaluation reports within 60 days following the end of the activity to the Management Board, *together with the observations of the independent monitors*. The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing quality, coherence and *the* efficiency of future operations and projects to be included in its general report provided for in Article 20(2)(b). *To ensure that the above-mentioned activities are conducted transparently and evaluated coherently, the observations of the independent monitors shall also be incorporated in an annual reporting mechanism of the type specified in Article 20(2)(b).*

Or. fr

### *Justification*

*Independent monitoring arrangements need to be put in place, the object being not just to facilitate and enhance effective implementation and oversight of respect for human rights, but also to bring greater transparency to the operations carried out. The Commission, which is represented on the Management Board, will be able to ascertain, with the aid of the independent monitors' observations, that operations are being conducted in accordance with European legislation, not least where fundamental rights are concerned.*

### **Amendment 142**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 4

#### *Text proposed by the Commission*

4. The Agency shall evaluate the results of the joint operations and pilot projects and transmit the detailed evaluation reports within 60 days following the end of the activity to the Management Board. The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and efficiency of future operations and projects to be included in its general report provided for in Article 20(2)(b).

#### *Amendment*

4. The Agency shall evaluate the results of the joint operations, ***Rapid Border Intervention Team deployments*** and pilot projects and transmit the detailed evaluation reports within 60 days following the end of the activity to the Management Board. The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and efficiency of future operations and projects to be included in its general report provided for in Article 20(2)(b). ***The evaluation reports shall cover the compliance with fundamental rights of the joint operations and pilot projects, taking into consideration the results of the monitoring carried out by independent observers. Those reports shall be made available to the European Parliament on request.***

Or. en

**Amendment 143**  
**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Agency shall evaluate the results of the joint operations and pilot projects and transmit the detailed evaluation reports within 60 days following the end of the activity to the Management Board. The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and efficiency of future operations and projects to be included in its general report provided for in Article 20(2)(b).

*Amendment*

4. The Agency shall evaluate the results of the joint operations and pilot projects and transmit the detailed evaluation reports within 60 days following the end of the activity to the Management Board. The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and efficiency of future operations and projects to be included in its general report provided for in Article 20(2)(b). ***The Agency's coordinated joint operations and pilot projects shall be independently monitored and evaluated by expert bodies within the framework of existing cooperation agreements or of ad hoc arrangements made prior to the commencement of the joint operations.***

Or. en

**Amendment 144**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The results of joint operations in terms of compliance with fundamental rights shall be evaluated independently by competent bodies and organisations. That evaluation shall be based on such***

*arrangements as are provided for in Article 13 that have been concluded no later than the beginning of the joint operations evaluated.*

Or. en

**Amendment 145**  
**Simon Busuttil, Salvatore Iacolino**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 2007/2004

Article 3 – paragraph 5

*Text proposed by the Commission*

5. The Agency *may decide to* finance *or co-finance* the joint operations and pilot projects referred to in paragraph 1, with grants from its budget in accordance with the financial rules applicable to the Agency.

*Amendment*

5. The Agency *shall* finance the joint operations, *rapid border intervention missions* and pilot projects referred to in paragraph 1, with grants from its budget in accordance with the financial rules applicable to the Agency.

Or. en

**Amendment 146**  
**Zbigniew Ziobro**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

1. The Executive Director shall draw up an operational plan for activities referred to in Article 3(1). The Executive Director and the host Member State shall agree on the operational plan detailing the organisational aspects in due time before the envisaged beginning of the activity.

*Amendment*

1. The Executive Director shall draw up an operational plan for activities referred to in Article 3(1) *in close cooperation with the host Member State*. The Executive Director and the host Member State shall agree on the operational plan detailing the organisational aspects in due time before the envisaged beginning of the activity.

Or. en

## Amendment 147

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3 a (new) – paragraph 1 – subparagraph 2 – point a

#### *Text proposed by the Commission*

(a) a description of the situation, with modus operandi and objectives of the deployment, including the operational aim;

#### *Amendment*

(a) a description of the situation, with modus operandi and objectives of the deployment, including the operational aim, ***as well as guidelines for the protection of fundamental rights;***

Or. en

## Amendment 148

Sylvie Guillaume

### Proposal for a regulation – amending act

#### Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3 a (new) – paragraph 1 – subparagraph 2 – point e

#### *Text proposed by the Commission*

(e) the composition of the teams of guest officers;

#### *Amendment*

(e) the composition of the teams of guest officers ***and of independent observers as referred to in the Code of Conduct;***

Or. fr

#### *Justification*

*See justification for Amendment 106.*

## Amendment 149

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 2 – point h

*Text proposed by the Commission*

(h) a reporting and evaluation scheme containing detailed provisions on incident reporting, benchmarks for the evaluation report and final date of submission of the final evaluation report in accordance with Article 3(4).

*Amendment*

(h) ***an immediate incident reporting mechanism, including on violations of fundamental rights and international protection during joint operations, Rapid Border Intervention Team deployments and pilot projects, which shall be transmitted by the Agency to the relevant national and EU public authorities and to the Management Board, and*** a reporting and evaluation scheme containing detailed provisions on incident reporting, benchmarks for the evaluation report and final date of submission of the final evaluation report in accordance with Article 3(4).

Or. en

**Amendment 150**

**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3 a (new) – paragraph 1 – subparagraph 2 – point h

*Text proposed by the Commission*

(h) a reporting and evaluation scheme containing detailed provisions on incident reporting, benchmarks for the evaluation report and final date of submission of the final evaluation report in accordance with Article 3(4).

*Amendment*

(h) a reporting and evaluation scheme containing detailed provisions on incident reporting, benchmarks for the evaluation report and *the* final date of submission of the final evaluation report in accordance with Article 3(4). ***The incident reporting scheme shall be used by the Agency to transmit, to the relevant public authorities and the Management Board, any information concerning credible allegations of breaches of, in particular, Regulation (EC) No 2007/2004 or the***



***Schengen Borders Code, including  
fundamental rights, during joint  
operations and pilot projects;***

Or. fr

*Justification*

*Following on from recital 17, this part of the text must explicitly state that the incident reporting scheme has to cover any breaches of fundamental rights.*

**Amendment 151**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 2 – point i

*Text proposed by the Commission*

(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.

*Amendment*

(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place. ***In particular, those requirements shall, in accordance with Article 1, specify the place of disembarkation, as well as detailed measures regarding the provision of food, shelter, medical care and access to asylum and non-refoulement. They shall allow individuals to explain their circumstances during a personal interview and facilitate access to the asylum procedure through interpretation and legal advice if individuals wish to apply for asylum.***

Or. en

**Amendment 152**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3 a (new) – paragraph 1 – subparagraph 2 – point i

*Text proposed by the Commission*

(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.

*Amendment*

(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place ***and those regarding the extraterritorial applicability of the obligation of non-refoulement under Article 3(1) of the Geneva Convention of 28 July 1951 relating to the Status of Refugees. In accordance with Article 1 of Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>1</sup>, the rules and guidelines applicable to search and rescue situations and to disembarkation shall form part of the operational plan drawn up for each operation coordinated by the Agency.***

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<sup>1</sup>OJ L 111, 4.5.2010, p. 20.

Or. fr

*Justification*

*Il est indispensable de préciser explicitement le cadre juridique dans lequel fonctionnent les opérations en mer coordonnées par Frontex afin de clarifier les responsabilités respectives dans le territoire de l'Union et en dehors de ce territoire. Il est en outre nécessaire d'inclure et de rappeler les dispositions de l'article 1er de la Décision du Conseil du 26 avril 2010 prévoyant que dans le cadre des opérations aux frontières maritimes coordonnées par l'Agence, les règles et lignes directrices applicables aux cas de recherche et de sauvetage et*

*au débarquement font partie du plan opérationnel élaboré pour chaque opération coordonnée par l'Agence.*

### **Amendment 153**

**Anna Maria Corazza Bildt**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 2 – point i

##### *Text proposed by the Commission*

(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.

##### *Amendment*

(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place, ***including reference to international and Union law regarding interception, rescue at sea and disembarkation.***

Or. en

### **Amendment 154**

**Stavros Lambrinidis**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 2 – point i

##### *Text proposed by the Commission*

(i) regarding sea operations, specific ***requirements regarding the applicable jurisdiction and maritime law provisions concerning*** the geographical area where the joint operation takes place.

##### *Amendment*

(i) regarding sea operations, specific ***information on the application of the relevant legislation in the*** geographical area where the joint operation takes place.

Or. en

**Amendment 155**  
**Georgios Papanikolaou**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 2 – point i

*Text proposed by the Commission*

(i) regarding sea operations, specific requirements regarding the applicable **jurisdiction** and maritime law provisions concerning the geographical area where the joint operation takes place.

*Amendment*

(i) regarding sea operations, specific requirements regarding the applicable **legislation** and maritime law provisions concerning the geographical area where the joint operation takes place.

Or. en

**Amendment 156**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3 a (new) – paragraph 1 – subparagraph 2 – point i a (new)

*Text proposed by the Commission*

*Amendment*

***(ia) specific measures to ensure respect for fundamental rights, including guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities.***

Or. fr

*Justification*

*The operational plan also needs to lay down clear-cut practical arrangements making for effective implementation and enabling respect for human rights to be translated into reality on the ground, not least as regards access to international protection.*

**Amendment 157**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3a (new) – paragraph 1 – subparagraph 2 – point i a (new)

*Text proposed by the Commission*

*Amendment*

*(ia) specific measures as needed to ensure compliance with fundamental rights and international protection, based on a previous human rights impact assessment.*

Or. en

**Amendment 158**

**Zbigniew Ziobro**

**Proposal for a regulation – amending act – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. On a proposal by the Executive Director, the Management Board shall decide by ***an absolute majority*** of its members with a right to vote on the profiles and the overall number of border guards to be made available for the Frontex Joint Support Teams. The same procedure shall apply with regard to any subsequent changes in the profiles and the overall numbers. Member States shall contribute to the Frontex Joint Support Teams via a national pool on the basis of the various defined profiles by nominating border guards corresponding to the required profiles.

1. On a proposal by the Executive Director, the Management Board shall decide by ***unanimity*** of its members with a right to vote on the profiles and the overall number of border guards to be made available for the Frontex Joint Support Teams. The same procedure shall apply with regard to any subsequent changes in the profiles and the overall numbers. Member States shall contribute to the Frontex Joint Support Teams via a national pool on the basis of the various defined profiles by nominating border guards corresponding to the required profiles.

Or. en

**Amendment 159**  
**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 1

*Text proposed by the Commission*

1. On a proposal by the Executive Director, the Management Board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of border guards to be made available for the Frontex Joint Support Teams. The same procedure shall apply with regard to any subsequent changes in the profiles and the overall numbers. Member States shall contribute to the Frontex Joint Support Teams via a national pool on the basis of the various defined profiles by nominating border guards corresponding to the required profiles

*Amendment*

1. On a proposal by the Executive Director, the Management Board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of border guards to be made available for the Frontex Joint Support Teams. The same procedure shall apply with regard to any subsequent changes in the profiles and the overall numbers. Member States shall contribute to the Frontex Joint Support Teams via a national pool on the basis of the various defined profiles by nominating border guards corresponding to the required profiles. ***The Management Board shall call, where appropriate, for personnel with special expertise on asylum and international protection when determining the profiles and numbers of border guards that Member States are to make available for the EU Border Guard System.***

Or. en

**Amendment 160**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 4

*Text proposed by the Commission*

4. ***Members*** of the Frontex Joint Support

*Amendment*

4. ***While performing their tasks and***

Teams shall, *in the performance of their tasks and in the exercise of their powers*, fully respect *fundamental* rights and *human dignity*. *Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams* shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

*exercising their powers, members* of the Frontex Joint Support Teams shall fully respect *international human* rights and *humanitarian law*, and shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Or. en

**Amendment 161**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**  
**Article 1 – point 5**  
Regulation (EC) No 2007/2004  
Article 3 b (new) – paragraph 4

*Text proposed by the Commission*

4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

*Amendment*

4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, *including the right of asylum*, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Or. fr

*Justification*

*To make for effective implementation as regards the identification of persons seeking*

*international protection, the right of asylum should be explicitly mentioned as one of the fundamental rights which members of Frontex Joint Support Teams must undertake to respect.*

**Amendment 162**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 4

*Text proposed by the Commission*

4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

*Amendment*

4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, ***including the right to seek asylum***, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Or. en

**Amendment 163**

**Andreas Mölzer, Franz Obermayr**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 4

*Text proposed by the Commission*

4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers,

*Amendment*

4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers,



fully respect fundamental rights and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

fully respect fundamental rights and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, *social status*, religion or belief, disability, age or sexual orientation.

Or. de

**Amendment 164**  
**Salvatore Iacolino**

**Proposal for a regulation – amending act**  
**Article 1 – point 5**  
Regulation (EC) No 2007/2004  
Article 3b (new) – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. In performing their duties and exercising their powers, border guards must respect a specific code of conduct to protect unaccompanied minors and persons considered vulnerable on objective grounds.***

Or. it

*Justification*

*Prescribing common standard procedures, particularly for dealing with particular categories of persons, makes it possible to count on qualified operators who are capable of acting without delay to ensure a higher level of protection.*

**Amendment 165**  
**Monika Hohlmeier**

**Proposal for a regulation – amending act**  
**Article 1 – point 5**  
Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 5

*Text proposed by the Commission*

5. In accordance with **Article 8g** the Agency **will** nominate a coordinating officer for each joint operation or pilot project where **Frontex Joint Support Team** members will be deployed.

*Amendment*

5. In accordance with **Article 3g** the Agency **shall** nominate a coordinating officer for each joint operation, **rapid intervention mission** or pilot project where **EU Border Guard System** members will be deployed. **The role of the coordinating officer shall include monitoring the operation of and fostering cooperation and coordination amongst host and participating Member States.**

Or. en

*Justification*

*The amendment aims at clarifying the role of the Frontex coordinating officer whilst not enumerating exhaustively its tasks. This is necessary in order to allow the coordinating officer to respond to needs and circumstances such as for example evaluating alleged misconduct by guest officers.*

**Amendment 166**

**Simon Busuttil, Salvatore Iacolino**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 5

*Text proposed by the Commission*

5. In accordance with **Article 8g** the Agency **will** nominate a coordinating officer for each joint operation or pilot project where **Frontex Joint Support Team** members will be deployed.

*Amendment*

5. In accordance with **Article 3g** the Agency **shall** nominate a coordinating officer for each joint operation, **rapid intervention mission** or pilot project where **EU Border Guard System** members will be deployed. **The role of the coordinating officer shall be, inter alia, to monitor the operation of and to foster cooperation and coordination amongst host and participating Member States.**

Or. en

## **Amendment 167**

**Rui Tavares, Cornelia Ernst**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3c (new) – paragraph 1

#### *Text proposed by the Commission*

1. During deployment of Frontex Joint Support Teams, instructions to the teams shall be issued by the host Member State in accordance with the operational plan referred to in Article 3a (1).

#### *Amendment*

1. During deployment of Frontex Joint Support Teams, instructions to the teams shall be issued by the host Member State in accordance with the operational plan referred to in Article 3a (1) **and in full compliance with the Schengen Borders Code, including Council Decision 2010/252/EU.**

Or. en

## **Amendment 168**

**Manfred Weber**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 5**

Regulation (EC) No 2007/2004

Article 3 c (new) – paragraph 2

#### *Text proposed by the Commission*

2. The Agency, via its coordinating officer as referred to in Article 3b (5), may communicate its views on those instructions to the host Member State. ***If it does so***, the host Member State shall ***take*** those views ***into consideration***.

#### *Amendment*

2. The Agency, via its coordinating officer as referred to in Article 3b (5), may communicate its views on those instructions to the host Member State. ***These views must accord with EU rules on border security.*** The host Member State shall ***accept*** those views.

Or. de

#### *Justification*

*In individual cases, it is not a national border that is secured but the common European border. In the event of a dispute the Agency must therefore be responsible for taking the final*

*decision. However, the Agency's stipulations must accord with EU provisions.*

**Amendment 169**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**  
**Article 1 – point 5**  
Regulation (EC) No 2007/2004  
Article 3 c (new) – paragraph 2

*Text proposed by the Commission*

2. The Agency, via its coordinating officer as referred to in Article 3b(5), may communicate its views on those instructions to the host Member State. If it does so, the host Member State shall take those views into consideration.

*Amendment*

2. The Agency, via its coordinating officer as referred to in Article 3b(5), may communicate its views on those instructions to the host Member State. If it does so, the host Member State shall, **subject to Article 10**, take those views into consideration.

Or. fr

*Justification*

*To avoid any confusion, it is essential to spell out the respective responsibilities of the coordinating officer on the one hand and the host Member State on the other, as well as specifying the authority ultimately responsible for command and control.*

**Amendment 170**  
**Zbigniew Ziobro**

**Proposal for a regulation – amending act**  
**Article 1 – point 5**  
Regulation (EC) No 2007/2004  
Article 3 c (new) – paragraph 2

*Text proposed by the Commission*

2. The Agency, via its coordinating officer as referred to in Article 3b (5), may communicate its views on those instructions to the host Member State. If it does so, the host Member State shall take those views into consideration.

*Amendment*

*(Does not affect English version.)*

**Amendment 171**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 6**

Regulation (EC) No 2007/2004

Article 4 – paragraph 2

*Text proposed by the Commission*

It shall prepare both general and tailored risk analyses to be submitted to the Council and the Commission. For these purposes Member States shall provide the Agency with all necessary information regarding the situation and possible threats at the external borders.

*Amendment*

It shall prepare both general and tailored risk analyses to be submitted to ***the European Parliament***, the Council and the Commission. For these purposes Member States shall provide the Agency with all necessary information regarding the situation and possible threats at the external borders. ***International and non-governmental organisations with proven expertise and experience in the field of migration may assist the Agency's risk analyses by supplying their own analyses and the information in their possession. The Agency shall share the findings of its analyses and research with the expert organisations which have made specific contributions.***

Or. fr

*Justification*

*To enable it to bring more searching democratic supervision to bear on the Agency, Parliament should be provided with the information relevant to risk analyses. Furthermore, contributions from expert organisations can only improve the quality and accuracy of Frontex risk analyses and hence enhance the Agency's operational effectiveness, not least as regards respect for fundamental rights.*

**Amendment 172**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 6**

Regulation (EC) No 2007/2004

Article 4 – paragraph 2

*Text proposed by the Commission*

It shall prepare both general and tailored risk analyses to be submitted to the Council **and** the Commission. For these purposes Member States shall provide the Agency with all necessary information regarding the situation and possible **threats** at the external borders.

*Amendment*

It shall prepare both general and tailored risk analyses, **including on the risks of human rights violations**, to be submitted to the Council, the Commission **and on request, to the European Parliament**. For these purposes Member States shall provide the Agency with all necessary information regarding the situation and possible **challenges** at the external borders **as well as the human rights situation in the border regions**.

Or. en

**Amendment 173**

**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 6**

Regulation (EC) No 2007/2004

Article 4 – paragraph 2

*Text proposed by the Commission*

It shall prepare both general and tailored risk analyses to be submitted to the Council and the Commission. For these purposes Member States shall provide the Agency with all necessary information regarding the situation and possible threats at the external borders.

*Amendment*

It shall prepare both general and tailored risk analyses to be submitted to **the European Parliament**, the Council and the Commission. For these purposes Member States shall provide the Agency with all necessary information regarding the situation and possible threats at the external borders.

Or. en

**Amendment 174**  
**Georgios Papanikolaou**

**Proposal for a regulation – amending act**

**Article 1 – point 6**

Regulation (EC) No 2007/2004

Article 4 – paragraph 3

*Text proposed by the Commission*

The Agency *shall regularly* evaluate the capacity of the *Member States* to face upcoming challenges, including present and future threats and pressures at the external borders of the European Union. *Therefore the* Agency *shall* evaluate the national structures, the equipment and the resources of the Member States regarding border control. . The results of these evaluations shall be presented at least once per year to the Management Board of the Agency.

*Amendment*

The Agency *may* evaluate, *after prior consultation with the Member State(s) concerned, their* capacity to face upcoming challenges, including present and future threats and pressures at the external borders of the European Union. *The* Agency *may* evaluate the national structures, the equipment and the resources of the Member States regarding border control. *Those evaluations may be conducted on behalf of the Member State(s) and shall not be related to the Schengen Evaluation Mechanism.* The results of these evaluations shall be presented at least once per year to the Management Board of the Agency.

Or. en

**Amendment 175**  
**Manfred Weber, Ernst Strasser**

**Proposal for a regulation – amending act**

**Article 1 – point 6 a (new)**

Regulation (EC) No 2007/2004

Article 4 a (new)

*Text proposed by the Commission*

*Amendment*

*(6a) The following Article is inserted:*

*"Article 4a*

*Assessment of the Schengen acquis*

*The Agency shall take all necessary measures to constantly assess the Schengen acquis. This shall be done in*

*cooperation with the Schengen Member States. The assessment reports shall be made available to the EU Institutions and the Member States.”*

Or. de

## Amendment 176

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

### Proposal for a regulation – amending act

#### Article 1 – point 7

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

#### *Text proposed by the Commission*

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection.

#### *Amendment*

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection. ***The European Parliament shall have full access to the contents of the common core curricula. Member States shall integrate the common core curricula in the training of their national border guards. In developing, implementing and evaluating the common core curricula, the Agency shall work closely with the Fundamental Rights Agency, as well as with UNHCR and non-governmental organisations with relevant expertise.***

Or. en



**Amendment 177**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 7**

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

*Text proposed by the Commission*

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection.

*Amendment*

The Agency shall establish and further develop common core curricula for border guards' training and provide ***initial and in-service training*** at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection. ***Training curricula shall be drawn up after consultation of the Office of the United Nations High Commissioner for Refugees (UNHCR), the European Asylum Support Office (EASO) and the European Union Agency for Fundamental Rights (FRA).***

Or. fr

*Justification*

*Training curricula for border guards should include both initial and in-service training so as to enable the guards to update their information and know-how. More extensive consultation of expert organisations such as the UNHCR, EASO, and the FRA will make for better understanding of the practicalities of identifying persons seeking protection and directing them towards the appropriate facilities.*

**Amendment 178**  
**Andreas Mölzer, Franz Obermayr**

**Proposal for a regulation – amending act**

**Article 1 – point 7**

Regulation (EC) No 2007/2004

Article 5 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The Agency shall establish and further develop common core curricula for border

*Amendment*

The Agency shall establish and further develop common core curricula for border

guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights **and access to international protection.**

guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to ***effective denial of admission to or apprehension of people crossing the border illegally, while respecting*** fundamental rights.

Or. de

### **Amendment 179**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 7**

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

#### *Text proposed by the Commission*

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection.

#### *Amendment*

The Agency shall, ***in cooperation with competent bodies as provided for in Article 13***, establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection.

Or. en

### **Amendment 180**

**Rui Tavares, Cornelia Ernst**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 7**

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

#### *Text proposed by the Commission*

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the

#### *Amendment*

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the

national border guards of Member States, including with regard to fundamental rights *and* access to international protection.

national border guards of Member States, including with regard to fundamental rights, access to international protection *and maritime law*.

Or. en

### **Amendment 181**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 8**

Regulation (EC) No 2007/2004

Article 6

#### *Text proposed by the Commission*

The Agency shall monitor and contribute to the developments in research relevant for the control and surveillance of the external borders and disseminate this information to the Commission and the Member States.

#### *Amendment*

The Agency shall monitor and contribute to the developments in research relevant for the control and surveillance of the external borders *in full compliance with fundamental rights and international protection obligations and* disseminate this information to the Commission and the Member States.

Or. en

### **Amendment 182**

**Véronique Mathieu**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 8**

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

The Agency may acquire or lease technical equipment for external border control to be deployed during joint operations, pilot projects, Rapid Border Intervention Teams, return operations or technical assistance projects in accordance with the financial rules applicable to the Agency. Any acquisition of equipment entailing

#### *Amendment*

The Agency may acquire or lease technical equipment for external border control to be deployed during joint operations, pilot projects, Rapid Border Intervention Teams, return operations or technical assistance projects in accordance with the financial rules applicable to the Agency. *The Agency may also contribute to the*

significant costs to the Agency shall be preceded by a thorough needs and cost/benefit analysis. In case the Agency acquires or leases important technical equipment such as open sea and coastal patrol vessels or vehicles, to be used in joint operations, the following provisions shall apply:

***acquisition, by the Member States, of technical equipment used, in whole or in part, for external border monitoring or control.*** Any acquisition of equipment entailing significant costs to the Agency shall be preceded by a thorough needs and cost/benefit analysis. In case the Agency acquires or leases important technical equipment such as open sea and coastal patrol vessels or vehicles, to be used in joint operations, the following provisions shall apply:

Or. en

### Amendment 183

**Timothy Kirkhope on behalf of the ECR Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 8**

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

The Agency may ***acquire or*** lease technical equipment for external border control to be deployed during joint operations, pilot projects, Rapid Border Intervention Teams, return operations or technical assistance projects in accordance with the financial rules applicable to the Agency. Any ***acquisition*** of equipment entailing significant costs to the Agency shall be preceded by a thorough needs and cost/benefit analysis. In case the Agency ***acquires or*** leases important technical equipment such as open sea and coastal patrol vessels or vehicles, to be used in joint operations, the following provisions shall apply:

##### *Amendment*

The Agency may lease technical equipment for external border control to be deployed during joint operations, pilot projects, Rapid Border Intervention Teams, return operations or technical assistance projects in accordance with the financial rules applicable to the Agency. Any ***leasing*** of equipment entailing significant costs to the Agency shall be preceded by a thorough needs and cost/benefit analysis. In case the Agency leases important technical equipment such as open sea and coastal patrol vessels or vehicles, to be used in joint operations, the following provisions shall apply:

Or. en

## Amendment 184

Timothy Kirkhope on behalf of the ECR Group

### Proposal for a regulation – amending act

#### Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1 – indent 1

*Text proposed by the Commission*

*Amendment*

*– in case of acquisition, the Agency agrees formally with one Member State that the latter will provide for the registration of the equipment;*

*deleted*

Or. en

## Amendment 185

Georgios Papanikolaou

### Proposal for a regulation – amending act

#### Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1 – indent 1

*Text proposed by the Commission*

*Amendment*

*– in case of acquisition, the Agency agrees formally with one Member State that the latter will provide for the registration of the equipment;*

*– in case of acquisition, the Agency agrees formally with one Member State that the latter will provide for the registration of the equipment **in accordance with the applicable legislation of that Member State;***

Or. en

## Amendment 186

Georgios Papanikolaou

### Proposal for a regulation – amending act

#### Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The Member State of registration or the supplier of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner.

*Amendment*

***On the basis of a model agreement drawn up by the Agency the Member State of registration and the Agency shall agree on the terms of use of the equipment.*** The Member State of registration or the supplier of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner.

Or. en

**Amendment 187**  
**Salvatore Iacolino**

**Proposal for a regulation – amending act**

**Article 1 – point 8**

Regulation (EC) No 2007/2004

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

*Text proposed by the Commission*

*Amendment*

***If, in the performance of the Agency’s own tasks, it is established that offences have been committed or other illicit activities engaged in, for which the host State stipulates seizure and/or confiscation, the Agency may, in concert with the Member State, use the equipment and/or materials seized and/or confiscated, provided that safety conditions are complied with and grounds are stated for the specific requirements for consistent use.***

Or. it

*Justification*

*The possibility of using technical equipment and/or materials which have been seized and/or confiscated, in addition to those acquired or leased, on the one hand ensures that equipment is available which is already operational and on the other hand reduces the Agency’s costs.*

**Amendment 188**  
**Véronique Mathieu**

**Proposal for a regulation – amending act**

**Article 1 – point 8**

Regulation (EC) No 2007/2004

Article 7 – paragraph 5 – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*If the minimum number of equipment proves to be insufficient to carry out the operational plan agreed for joint operations, pilot projects, Rapid Border Intervention Teams or return operations, it shall be revised by the Agency on the basis of justified needs and of an agreement between the Agency and the Member States.*

Or. en

**Amendment 189**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 8**

Regulation (EC) No 2007/2004

Article 7 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. The Agency shall report on the composition and the deployment of equipment, which is part of the technical equipment pool, to the Management Board on a monthly basis. In case the minimum number of equipment referred to in paragraph 5 is not reached, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the identified

6. The Agency shall report on the composition and the deployment of equipment, which is part of the technical equipment pool, to the Management Board on a monthly basis. In case the minimum number of equipment referred to in paragraph 5 is not reached, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the identified

shortcomings. It shall inform the Commission of the identified shortcomings and the steps taken. The Commission *may* subsequently inform the European Parliament and the Council, together with its own assessment.

shortcomings. It shall inform the Commission of the identified shortcomings and the steps taken. The Commission *shall* subsequently inform the European Parliament and the Council, together with its own assessment.

Or. en

**Amendment 190**  
**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**  
**Article 1 – point 9**  
Regulation (EC) No 2007/2004  
Article 8

*Text proposed by the Commission*

(9) Article 8 is *deleted*.

*Amendment*

(9) Article 8 is *replaced by the following*:

*"Article 8*

*Obligations under maritime law*

*Implementation of this Regulation does not affect and fully complies with obligations of Member States under the UN Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue and the Geneva Convention Relating to the Status of Refugees."*

Or. en

**Amendment 191**  
**Simon Busuttil, Salvatore Iacolino**

**Proposal for a regulation – amending act**  
**Article 1 – point 9**  
Regulation (EC) No 2007/2004  
Article 8



*Text proposed by the Commission*

(9) Article 8 is *deleted*.

*Amendment*

(9) Article 8 is *amended as follows*:

*(a) paragraph 1 is replaced by the following:*

**"1. Without prejudice to Article 64(2) of the Treaty, one or more Member States facing specific and disproportionate pressures and confronted with circumstances requiring increased technical and operational assistance when implementing their obligations with regard to control and surveillance of external borders may request the Agency for assistance. The Agency shall organise the appropriate technical and operational assistance for the requesting Member State(s)."**

*(b) in paragraph 2 the following point is added:*

**"(ba) deploy border guards from the EU Border Guard System."**

Or. en

## **Amendment 192**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 10 – point -a (new)**

Regulation (EC) No 2007/2004

Article 8 e – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

*(-a) point a is replaced by the following:*

**"(a) description of the situation, with modus operandi and objectives of the deployment, including the operational aim, as well as guidelines for the protection of fundamental rights;"**

**Amendment 193**  
**Georgios Papanikolaou**

**Proposal for a regulation – amending act**  
**Article 1 – point 10 – point b**  
Regulation (EC) No 2007/2004  
Article 8 e – paragraph 1 – point i

*Text proposed by the Commission*

(i) regarding sea operations, specific requirements regarding the applicable **jurisdiction** and maritime law provisions concerning the geographical area where the joint operation takes place.

*Amendment*

(i) regarding sea operations, specific requirements regarding the applicable **legislation** and maritime law provisions concerning the geographical area where the joint operation takes place.

Or. en

**Amendment 194**  
**Salvatore Iacolino**

**Proposal for a regulation – amending act**  
**Article 1 – point 12**  
Regulation (EC) No 2007/2004  
Article 9 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. The Agency shall provide Member States with the necessary support, in the form of technical, instrumental, human and financial resources, for the coordination and organisation of voluntary return schemes.***

Or. it

*Justification*

*It is necessary to specify the extent of the support, which must be complete in order to meet every possible need of the Member States.*

**Amendment 195**  
**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. The Agency shall provide Member States with the necessary support for the coordination and organisation of voluntary return schemes in accordance with refugee protection and human rights obligations.***

Or. en

**Amendment 196**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC, the Agency shall provide the necessary assistance, ***and upon request of the participating Member States ensure the coordination*** for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC, the Agency shall provide the necessary assistance for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

upon the full respect of the Charter of Fundamental Rights.

Or. en

### **Amendment 197**

**Rui Tavares, Cornelia Ernst**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC<sup>15</sup>, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

#### *Amendment*

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC<sup>15</sup>, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint **voluntary** return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Or. en

### **Amendment 198**

**Stavros Lambrinidis**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph 1

*Text proposed by the Commission*

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC<sup>15</sup>, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

*Amendment*

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC<sup>15</sup>, the Agency shall provide the necessary assistance, and upon request of **all** the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Or. en

**Amendment 199**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph 2

*Text proposed by the Commission*

2. The Agency shall develop a Code of Conduct for the return of illegally present third-country nationals by air which shall apply during all joint return operations coordinated by the Agency, describing common standardized procedures which should simplify the organisation of joint return flights and assure return in a humane manner and in full respect for fundamental rights, in particular the principles of human dignity, prohibition of torture and of

*Amendment*

2. The Agency shall develop a Code of Conduct for the return of illegally present third-country nationals by air which shall apply during all joint return operations coordinated by the Agency, describing common standardized procedures which should simplify the organisation of joint return flights and assure return in a humane manner and in full respect for fundamental rights, in particular the principles of human dignity, prohibition of torture and of

inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data and non discrimination.

inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data and non discrimination. ***The Code of Conduct shall allow for the suspension of a return where there are reasons to believe that the return would lead to a violation of fundamental rights. In the event of a breach of international and/or Union law, the return shall be suspended.***

Or. en

**Amendment 200**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**  
**Article 1 – point 12**  
Regulation (EC) No 2007/2004  
Article 9 – paragraph 3

*Text proposed by the Commission*

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until the hand-over of the returnees in the country of return. Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in **an** annual reporting mechanism.

*Amendment*

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until the hand-over of the returnees in the country of return. ***Member States shall ensure that relevant international and non-governmental organisations are involved during removal procedures in order to guarantee compliance with proper legal procedure.*** Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in

*the annual reporting mechanism referred to in Article 20(2)(b).*

Or. fr

*Justification*

*Non-governmental organisations need to be involved in the return procedure as a whole so as to guarantee that the procedure is conducted properly and to safeguard the best interests of returnees. To enable greater transparency and democratic supervision to be brought to bear on return operations coordinated by Frontex, it is also necessary to ensure that the observations of independent monitors are incorporated in the Agency's general report, which, in accordance with Article 20(2)(b) of the regulation, has to be made public.*

**Amendment 201**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph 3

*Text proposed by the Commission*

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until the **hand-over** of the **returnees** in the country of return. Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in an annual reporting mechanism.

*Amendment*

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until **a follow up of the situation of the returnee has been conducted** in the country of return, **especially with regard to how they were received at the arrival point, how they were treated by the third-country authorities and whether they were arrested. Personnel in charge of monitoring shall have access to all relevant facilities, including detention centres and aircraft, and receive the necessary training to perform their duties.**

Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in an annual reporting mechanism.

Or. en

## **Amendment 202**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 12**

Regulation (EC) No 2007/2004

Article 9 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The Agency shall ensure the respect of all data protection rights of returnees, including the right to be informed on request at all stages of the data that is held by the Agency or the Member States about the returnees, in accordance with Regulation (EC) No 45/2001.***

Or. en

## **Amendment 203**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 13**

Regulation (EC) No 2007/2004

Article 10 – paragraph 2



*Text proposed by the Commission*

2. While performing their tasks and exercising their powers guest officers shall comply with Union law, in accordance with fundamental rights, and the national law of the host Member State.

*Amendment*

2. While performing their tasks and exercising their powers guest officers shall comply with ***international law***, Union law, in accordance with fundamental rights, and the national law of the host Member State.

Or. en

**Amendment 204**

**Andreas Mölzer, Franz Obermayr**

**Proposal for a regulation – amending act**

**Article 1 – point 13 a (new)**

Regulation (EC) No 2007/2004

Article 10 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***(13a) In Article 10 paragraph 3 is replaced by the following:***

***"3. It is recommended that host Member States grant border control officers of the Agency appropriate executive powers which enable them to perform effectively the duties assigned to them."***

Or. de

*Justification*

*Frontex officers should be deployed as effectively as possible. The transfer of executive powers can make a vital contribution to this.*

**Amendment 205**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 13 a (new)**

Regulation (EC) No 2007/2004

Article 10 – paragraph 3

*Text proposed by the Commission*

*Amendment*

*(13a) In Article 10, paragraph 3 is replaced by the following:*

**"3. Guest officers may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards of the host Member State. Guest officers shall immediately inform the border guards of the host Member States about any person seeking international protection."**

Or. en

*Justification*

*In the current situation Member States can use force in accordance with the national law of the host Member State, and by adding the principle of necessity and proportionality the intention is to put conditions on the use of arms in any FRONTEX operation. In many MS such principle is included into the rules on the use of force by the authorities, but not in all.*

#### **Amendment 206**

**Rui Tavares, Cornelia Ernst**

#### **Proposal for a regulation – amending act**

**Article 1 – point 13 b (new)**

Regulation (EC) No 2007/2004

Article 10 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*(13b) In Article 10, paragraph 4 is replaced by the following:*

**"4. Guest officers shall wear their own uniform while performing their tasks and exercising their powers. They shall wear a blue armband with the insignia of the European Union [...] on their uniforms, identifying them as participating in a joint operation or pilot project. For the purposes of identification vis-à-vis the national authorities of the host Member State and its citizens, guest officers shall at all**

**times carry a visible accreditation badge, as provided for in Article 10a [...]."**

Or. en

## **Amendment 207**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act**

**Article 1 – point 13 c (new)**

Regulation (EC) No 2007/2004

Article 10 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***(13c) In Article 10 paragraph 6 is replaced by the following:***

***"6. By way of derogation from paragraph 2, while performing their tasks and exercising their powers, guest officers shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State, and with the principles of necessity and proportionality."***

Or. en

### *Justification*

*In the current situation Member States can use force in accordance with the national law of the host Member State, and by adding the principle of necessity and proportionality the intention is to put conditions on the use of arms in any FRONTEX operation. In many MS such principle is included into the rules on the use of force by the authorities, but not in all.*

## **Amendment 208**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 13 d (new)**

Regulation (EC) No 2007/2004

Article 10 – paragraph 7

*Text proposed by the Commission*

*Amendment*

***(13d) In Article 10 paragraph 7 is replaced by the following:***

***"7. By way of derogation from paragraph 6, service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of guest officers or of other persons, in accordance with the national law of the host Member State and with the principles of necessity and proportionality."***

Or. en

*Justification*

*In the current situation Member States can use force in accordance with the national law of the host Member State, and by adding the principle of necessity and proportionality the intention is to put conditions on the use of arms in any FRONTEX operation. In many MS such principle is included into the rules on the use of force by the authorities, but not in all.*

**Amendment 209**

**Marie-Christine Vergiat, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 15**

Regulation (EC) No 2007/2004

Article 11 a (new)

*Text proposed by the Commission*

*Amendment*

The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the Data Protection Officer of the Agency.

The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the Data Protection Officer of the Agency. ***The application***

*measures shall include provisions on the information to be supplied to, and the rights of, the person concerned as regards the protection of personal data in accordance with Articles 11 and 12 and 13 to 19 of that Regulation.*

Or. fr

*Justification*

*The application measures must also include provisions enabling persons whose personal data have been collected, processed, or communicated by the Agency to have access to the relevant information and to exercise their rights of access to, and rectification of, personal data etc. in accordance with Regulation (EC) No 45/2001.*

**Amendment 210**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 15 a (new)**

Regulation (EC) No 2007/2004

Article 11 a a (new)

*Text proposed by the Commission*

*Amendment*

***(15 a) The following Article is inserted:***

***"Article 11aa***

***Protection of personal data***

***The Agency fully respects the right to the protection of personal data, as enshrined in the Charter of Fundamental Rights of the European Union, and recognises that its provisions on data protection, namely Article 8, also apply to third-country nationals. Such data shall be processed fairly for specified purposes and on the basis of the consent of the person concerned or another legitimate basis laid down by law. Everyone has the right to access data which has been collected concerning him or her, and the right to have it rectified, including through judicial procedures. Compliance with these rules shall be subject to control by***

*an independent authority."*

Or. en

**Amendment 211**  
**Simon Busuttil, Salvatore Iacolino**

**Proposal for a regulation – amending act**

**Article 1 – point 15 a (new)**

Regulation (EC) No 2007/2004

Article 11 a a (new)

*Text proposed by the Commission*

*Amendment*

*(15 a) The following Article is inserted:*

*"Article 11aa*

*Processing of personal data*

*1. In performing its tasks, the Agency may process personal data in order to contribute to the security of the external borders of the Member States.*

*2. The processing of personal data shall respect the principles of necessity and proportionality.*

*3. The processing of personal data by the Agency shall be limited to data received from other Union agencies and to personal data obtained during joint operations or pilot projects or rapid border intervention missions regarding persons who are suspected on reasonable grounds of involvement in cross-border criminal activities, in illegal migration activities or in human trafficking activities as defined in Article 1(1)(a) and (b) of Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence<sup>1</sup>, persons who are victims of such activities and whose data may lead to the perpetrators of such illegal activities as well as persons who are subject to return operations in which the Agency is involved.*

*4. The personal data shall be deleted as soon as the purpose for which they have been collected has been achieved. The term of storage shall in any event not exceed three months after the date of the collection of those data or when the data are received from other EU agencies, from the date of when the data have been received by the Agency.*

*5. Personal data processed by the Agency for the purpose specified in this Article shall, subject to Article 13, shall be transmitted to Europol.*

*6. Onward transmission or other communication of personal data processed by the Agency to other European Union agencies or bodies shall be subject to specific working agreements regarding the exchange of personal data and subject to the prior approval of the supervisory authorities within the respective agencies. Such transmissions shall be monitored by the European Data Protection Supervisor.*

*7. Onward transmission or other communication of personal data processed by the Agency to third countries or other third parties shall be prohibited.*

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<sup>1</sup> OJ L 328, 5.12.2007, p. 17."

Or. en

**Amendment 212**  
**Marie-Christine Vergiat, Cornelia Ernst**

**Proposal for a regulation – amending act**  
**Article 1 – point 15**

Regulation (EC) No 2007/2004  
Article 11 b (new) – paragraph 2

*Text proposed by the Commission*

2. The Agency shall apply the security principles relating to the processing of non-

*Amendment*

2. The Agency shall apply the security principles relating to the processing of non-

classified sensitive information as adopted and implemented by the *European* Commission.”

classified sensitive information as adopted and implemented by the Commission *and shall lay down its detailed security policy arrangements accordingly. The security policy of the Agency shall be submitted to the Commission for approval and communicated to the European Parliament.*”

Or. fr

*Justification*

*The framework within which these principles find expression should be that of a ‘policy’.*

**Amendment 213**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 13 – title

*Text proposed by the Commission*

Cooperation with European Union agencies and bodies and international organisations

*Amendment*

Cooperation with European Union agencies and bodies and international *and other relevant* organisations

Or. fr

*Justification*

*The Agency should be allowed to work with a wider variety of cooperation partners so as to enable it to benefit from the expertise and know-how of a greater number of organisations.*

**Amendment 214**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 13



*Text proposed by the Commission*

The Agency may cooperate with Europol, the European Asylum Support Office, the *Fundamental Rights Agency*, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies.

*Amendment*

The Agency may cooperate with Europol, the European Asylum Support Office, the *European Union Agency for Fundamental Rights*, other European Union agencies and bodies, and the international ***and other*** organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies. ***In every case the Agency shall inform the European Parliament of any such arrangements without delay.***

Or. fr

*Justification*

*Afin d'améliorer la qualité et l'efficacité des opérations et projets pilotes, l'Agence doit également bénéficier de la coopération d'autres organisations compétentes outre les organisations internationales. De surcroît, il sera indispensable pour l'Agence de conclure des accords de travail avec des organisations non gouvernementales pour la mise en oeuvre du mécanisme de contrôle indépendant prévu dans le code de conduite. Enfin, dans un souci de transparence accrue et de supervision démocratique, il convient d'assurer une information systématique du Parlement européen de ce type de coopération.*

**Amendment 215**

**Georgios Papanikolaou**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 13

*Text proposed by the Commission*

The Agency may cooperate with Europol, the European Asylum Support Office, the *Fundamental Rights Agency*, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the

*Amendment*

The Agency may cooperate with Europol, the European Asylum Support Office, the *Fundamental Rights Agency*, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the

framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies.

framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies. ***The Agency may invite representatives of other European Union agencies and bodies or international organisations to participate in its activities as referred to in Articles 3, 4 and 5. The participation of representatives of international organisations in the activities referred to in Articles 4 and 5 may take place only with the agreement of the Member States concerned and in those referred to in Article 3 only with the agreement of the host Member State. Such representatives shall receive appropriate training from the Agency prior to their participation.***

Or. en

#### **Amendment 216**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 13

#### *Text proposed by the Commission*

The Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies.

#### *Amendment*

The Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies. ***The European Parliament shall be informed, in accordance with Article 218 of the Treaty on the Functioning of the European Union, of***

*any such arrangements concluded by the Agency. The Agency may also invite representatives of third countries, other European Union agencies and bodies or international organisations to participate in its activities as referred to in Articles 3, 4 and 5. Such representatives shall receive appropriate training from the Agency prior to their participation, in particular in relation to fundamental rights.*

Or. en

**Amendment 217**

**Marie-Christine Vergiat, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 13

*Text proposed by the Commission*

The Agency may cooperate with Europol, the European Asylum Support Office, the *Fundamental Rights Agency*, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies.

*Amendment*

The Agency may cooperate with Europol, the European Asylum Support Office, the *European Union Agency for Fundamental Rights*, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies. ***The exchanges of information to which such cooperation arrangements may give rise shall not include exchanges of personal information.***

Or. fr

*Justification*

*Personal data are sensitive data. Exchanges of personal data should not be encompassed within the Agency's cooperation arrangements and must therefore be prohibited.*

**Amendment 218**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 1

*Text proposed by the Commission*

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy, including with regard to human rights.

*Amendment*

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy, including with regard to human rights. ***The establishment of cooperation with third countries shall serve to promote European border management standards, also covering respect for fundamental rights and human dignity.***

Or. fr

**Amendment 219**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 1

*Text proposed by the Commission*

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy, including with regard to human rights.

*Amendment*

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy, including with regard to human rights. ***For that reason, no operation may take place under the jurisdiction of any third country.***

**Amendment 220**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

*Text proposed by the Commission*

2. The Agency may deploy liaison officers, *which* should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect **minimum human rights standards**. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding **illegal** migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

*Amendment*

2. The Agency may deploy liaison officers, *who* should enjoy the highest possible protection to carry out their duties, in third countries. ***In every case the Agency shall inform the European Parliament without delay of any such deployments, supplying a description of the duties of the officers concerned.*** They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network. Liaison officers shall only be deployed to third countries in which border management practices respect ***fundamental rights and obligations related to international protection of refugees. Before being deployed, liaison officers shall be given training in relevant EU and international law, including fundamental rights and access to international protection.*** Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding ***irregular*** migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24. ***The European Parliament shall be regularly***

*informed of the activities of liaison officers deployed by the Agency.*

Or. fr

*Justification*

*Afin d'éviter les divergences d'interprétation, la proposition de la Commission nécessite ici quelque clarification, imposant une exigence accrue en termes de respect des droits de l'homme dans les pays tiers. Dans le contexte de flux migratoires mixtes, il convient également que les officiers de liaison reçoivent une formation préalable en application de l'article révisé 2(1)(a). En outre, il importe de renforcer la transparence des activités de ces officiers en assurant une communication régulière et systématique du Parlement européen quant à leur déploiement et leurs activités. Enfin, on parlera de "séjour illégal", de "séjour en situation irrégulière" ou encore d'"immigration clandestine", mais il n'est pas approprié de parler d'"immigration illégale".*

**Amendment 221**

**Rui Tavares, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

*Text proposed by the Commission*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect **minimum human** rights standards. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time.

*Amendment*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect **fundamental** rights standards, **international protection obligations and having signed the Geneva Convention**. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive

The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

Or. en

## **Amendment 222**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

#### *Text proposed by the Commission*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries ***in which border management practices*** respect ***minimum human rights standards***. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

#### *Amendment*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries ***which fully*** respect ***fundamental rights and international protection obligations, including in border management practices***. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

Or. en

**Amendment 223**  
**Birgit Sippel**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

*Text proposed by the Commission*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries *in* which ***border management practices*** respect ***minimum*** human rights ***standards***. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

*Amendment*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries which respect human rights ***and international protection obligations***. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

Or. en

**Amendment 224**  
**Stavros Lambrinidis**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

*Text proposed by the Commission*

2. ***The*** Agency may deploy liaison officers, which should enjoy the highest possible

*Amendment*

2. ***When Member States are not sufficiently represented, the*** Agency may



protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

Or. en

**Amendment 225**  
**Cecilia Wikström**

**Proposal for a regulation – amending act**  
**Article 1 – point 16**

Regulation (EC) No 2007/2004  
Article 14 – paragraph 2

*Text proposed by the Commission*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards. Priority for deployment should be given to those third countries, which on the basis of risk

*Amendment*

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards. Priority for deployment should be given to those third countries, which on the basis of risk

analysis constitute a country of origin or transit regarding *illegal* migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

analysis constitute a country of origin or transit regarding *irregular* migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

Or. en

#### *Justification*

*The Community institutions should undertake to ensure that, in future, semantically and legally appropriate terminology is used that is compatible with national legislation in the Member States, whose aim is to replace the term 'illegal immigration' with 'irregular immigration'.*

#### **Amendment 226** **Birgit Sippel**

**Proposal for a regulation – amending act**  
**Article 1 – point 16**  
Regulation (EC) No 2007/2004  
Article 14 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The Agency shall provide training for liaison officers, including on fundamental rights and international protection at Union level prior to their deployment to third countries.***

Or. en

#### **Amendment 227**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

*Text proposed by the Commission*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to contribute to the prevention of and fight against *illegal* immigration and the return of illegal migrants.

*Amendment*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, *with special regard to the right of everyone to leave a country, including his or her own, and international protection obligations, with special regard to respect for the principle of non-refoulement,* the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to contribute to the prevention of and fight against *irregular* immigration and the return of illegal migrants.

Or. en

**Amendment 228**

**Cornelia Ernst, Rui Tavares**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

*Text proposed by the Commission*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to contribute to the prevention of and fight against illegal immigration and the return of illegal migrants.

*Amendment*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights *and international protection obligations,* the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to contribute to the prevention of and fight against illegal immigration and the return of illegal migrants.

**Amendment 229**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

*Text proposed by the Commission*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to *contribute* to the prevention of and fight against *illegal* immigration and the return of *illegal* migrants.

*Amendment*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to *contributing* to the prevention of and fight against *irregular* immigration and the return of *irregular* migrants.

Or. fr

*Justification*

*One can talk about ‘illegal presence’, ‘residence without authorisation’, or ‘clandestine immigration’, but it is not appropriate to talk of ‘illegal immigration’.*

**Amendment 230**  
**Cecilia Wikström**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

*Text proposed by the Commission*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, the establishment and maintaining of contacts with the competent authorities of the third country to which

*Amendment*

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, the establishment and maintaining of contacts with the competent authorities of the third country to which

they are assigned to with a view to contribute to the prevention of and fight against *illegal* immigration and the return of *illegal* migrants.

they are assigned to with a view to contribute to the prevention of and fight against *irregular* immigration and the return of *irregular* migrants.

Or. en

#### *Justification*

*The Community institutions should undertake to ensure that, in future, semantically and legally appropriate terminology is used that is compatible with national legislation in the Member States, whose aim is to replace the term 'illegal immigration' with 'irregular immigration'.*

#### **Amendment 231**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

#### *Text proposed by the Commission*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency *may also invite representatives* of third countries, *other European Union agencies and bodies or international organisations to participate in its activities referred to in Articles 3, 4 and 5. These representatives shall receive the appropriate training from the Agency prior to their participation.*

#### *Amendment*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy, *except the funds for development cooperation, including the European Neighbourhood Policy and instruments for Stability.* It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency *shall ensure that assistance to operations within the framework of these projects is not provided to third countries where there are reasons to believe that such operations could lead to violations of fundamental rights.*

Or. en

**Amendment 232**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

*Text proposed by the Commission*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency may also invite representatives of third countries, other European Union agencies and bodies or international organisations to participate in its activities referred to in Articles 3, 4 and 5. These representatives shall receive the appropriate training from the Agency prior to their participation.

*Amendment*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation, ***provided that, in their border management practices, the third countries concerned respect fundamental rights and obligations related to international protection of refugees.*** The Agency may also invite representatives of third countries, other European Union agencies and bodies or international ***and other expert*** organisations to participate in its activities referred to in Articles 3, 4 and 5. These representatives shall receive the appropriate training from the Agency prior to their participation.

Or. fr

*Justification*

*Il est nécessaire d'exiger explicitement que les opérations de l'Agence en dehors du territoire de l'UE ou dans un pays tiers soient compatibles avec le cadre juridique dans lequel l'Agence fonctionne, notamment en matière de respect des droits de l'homme. Dans son analyse d'impact (SEC(2010) 149), la Commission européenne précise d'ailleurs à cet égard : "Technical assistance to operations, which could lead to violations of fundamental rights (e.g. allowing for excessive use of force, breaching the right to privacy, refoulement), should not be offered to third countries, within the framework of these projects". Il convient par ailleurs d'élargir le type d'organisations que l'Agence peut inviter afin non seulement pour celle-ci de bénéficier de l'expertise et du savoir-faire d'un plus grand nombre d'organisations, mais aussi d'assurer une plus grande transparence dans ses activités dans les pays tiers.*

**Amendment 233**  
**Georgios Papanikolaou**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

*Text proposed by the Commission*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency may also invite representatives of third countries, ***other European Union agencies and bodies or international organisations*** to participate in its activities referred to in Articles 3, 4 and 5. These representatives shall receive the appropriate training from the Agency prior to their participation.

*Amendment*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency may also invite representatives of third countries to participate in its activities referred to in Articles 4 and 5 ***with the agreement of the Member States concerned, as well as in those referred to in Article 3, with the agreement of the host Member State***. These representatives shall receive the appropriate training from the Agency prior to their participation.

Or. en

**Amendment 234**  
**Stavros Lambrinidis**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

*Text proposed by the Commission*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency may also invite representatives of

*Amendment*

4. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the Union's external relations policy. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. The Agency may also, ***in agreement with the***

third countries, other European Union agencies and bodies or international organisations to participate in its activities referred to in Articles 3, 4 and 5. These representatives shall receive the appropriate training from the Agency prior to their participation.

*host Member State*, invite representatives of third countries, other European Union agencies and bodies or international organisations to participate in its activities referred to in Articles 3, 4 and 5. These representatives shall receive the appropriate training from the Agency prior to their participation.

Or. en

### **Amendment 235**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 5

#### *Text proposed by the Commission*

5. When concluding bilateral agreements with third countries as referred to in Article 2 (2) Member States shall, where appropriate, include provisions concerning the role and competencies of the Agency, in particular regarding the exercise of executive powers by members of the teams deployed by the Agency during the activities referred to in Article 3.

#### *Amendment*

5. When concluding bilateral agreements with third countries as referred to in Article 2 (2) Member States shall, where appropriate, include provisions concerning the role and competencies of the Agency, in particular regarding the exercise of executive powers by members of the teams deployed by the Agency during the activities referred to in Article 3. ***The text of these bilateral agreements shall be transmitted to the European Parliament and the Commission, in accordance with Article 218 of the Treaty on the Functioning of the European Union.***

Or. en

### **Amendment 236**

**Sylvie Guillaume**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 5



*Text proposed by the Commission*

5. When concluding bilateral agreements with third countries as referred to in Article 2(2) Member States shall, where appropriate, include provisions concerning the role and competencies of the Agency, in particular regarding the exercise of executive powers by members of the teams deployed by the Agency during the activities referred to in Article 3.

*Amendment*

5. When concluding bilateral agreements with third countries as referred to in Article 2(2) Member States shall, where appropriate, include provisions concerning the role and competencies of the Agency, in particular regarding the exercise of executive powers by members of the teams deployed by the Agency during the activities referred to in Article 3; ***the provisions applicable must be compatible with the legal framework governing the Agency. In every case the Agency shall inform the European Parliament of any such provisions without delay.***

Or. fr

*Justification*

*Cette disposition de la proposition de la Commission ne fait qu'entériner une pratique déjà existante. Il est toutefois indispensable de rendre explicite que cette implication de l'Agence dans le cadre d'accords bilatéraux avec des Etats membres ne peut se concevoir que dans le strict respect du cadre juridique dans lequel l'Agence fonctionne, à savoir notamment le code frontière Schengen, les dispositions pertinentes du droit de l'Union et du droit international, les obligations relatives à l'accès à la protection internationale et des droits fondamentaux. Il convient en outre de renforcer la transparence et le contrôle démocratique entourant la participation de Frontex à de telles activités.*

**Amendment 237**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 6

*Text proposed by the Commission*

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in

*Amendment*

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in

accordance with the relevant provisions of the Treaty.

accordance with the relevant provisions of the Treaty, ***and in particular of the Charter of Fundamental Rights of the European Union and international law, with special regard to compliance with the non-refoulement principle. Those arrangements shall guarantee compliance with international human rights and humanitarian law by third countries. A human rights assessment, including of the right to seek asylum, shall be carried out prior to the conclusion of such working arrangements and shall be reported to the European Parliament and the Commission***

Or. en

**Amendment 238**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 6

*Text proposed by the Commission*

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty.

*Amendment*

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty, ***provided that, in their border management practices, the third countries concerned respect fundamental rights and obligations related to international protection of refugees. In every case the Agency shall inform the European Parliament of any such arrangements without delay.***

Or. fr

## *Justification*

*It is necessary to lay down a specific requirement for Agency operations outside the EU or in a third country to be compatible with the legal framework governing the Agency, not least where respect for human rights is concerned. In addition, greater transparency and democratic scrutiny should be brought to bear on the Agency's cooperation with the authorities in third countries.*

### **Amendment 239** **Stavros Lambrinidis**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 6

#### *Text proposed by the Commission*

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty.

#### *Amendment*

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty. ***These working arrangements shall be purely operational texts.***

Or. en

### **Amendment 240** **Marie-Christine Vergiat, Cornelia Ernst**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 6 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***6a. No cooperation arrangement with third countries or their competent authorities may include exchanges of personal data.***

Or. fr

*Justification*

*Personal data are sensitive data. Exchanges of personal data should not be encompassed within the Agency's cooperation arrangements with third countries and their competent authorities and must therefore be prohibited.*

**Amendment 241**

**Ernst Strasser**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission.'** *deleted*

Or. en

**Amendment 242**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission.

7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission.  
***The European Parliament shall be informed in accordance with Article 218 of the Treaty on the Functioning of the European Union at all stages of any working arrangements that the Agency concludes with the authorities of third countries.***

Or. en

**Amendment 243**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 16**

Regulation (EC) No 2007/2004

Article 14 – paragraph 7

*Text proposed by the Commission*

7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission.

*Amendment*

7. The activities referred to in paragraphs 2, 5, and 6 shall be subject to receiving a prior favourable opinion of the Commission **and to consultation of the European Parliament.**

Or. fr

*Justification*

*The Commission must also be able to deliver an opinion on any participation by the Agency in activities under bilateral agreements with third countries. Furthermore, in addition to being invariably informed without delay about the activities referred to in paragraphs 2, 5, and 6, Parliament should be consulted in the proper manner.*

**Amendment 244**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 16 a (new)**

Regulation (EC) No 2007/2004

Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(16a) In Article 15, paragraph 1 is replaced by the following:**

**"The Agency shall be a body of the Union. It shall have legal personality."**

Or. en

**Amendment 245**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 19 a (new)**

Regulation (EC) No 2007/2004

Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*(19a) In Article 19, paragraph 1 is replaced by the following:*

**"1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question. All contracts shall include a human rights clause."**

Or. en

**Amendment 246**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point 19 b (new)**

Regulation (EC) No 2007/2004

Article 19 – paragraph 3

*Text proposed by the Commission*

*Amendment*

*(19b) In Article 19, paragraph 3 is replaced by the following:*

**"3. In the case of non-contractual liability, the Agency shall be held liable and, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its servants in the performance of their duties."**

Or. en

**Amendment 247**

**Marie-Christine Vergiat, Cornelia Ernst**

**Proposal for a regulation – amending act**

**Article 1 – point 20 - point a - point -i (new)**

Regulation (EC) No 2007/2004

Article 20 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

*(-i) Point (b) is replaced by the following:*

**“(b) before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report of the Agency shall review compliance with obligations related to fundamental rights, with particular reference to applications for asylum and international protection and the protection of personal data. The general report shall be made public;”**

Or. fr

*Justification*

*The report must also specify how far the Agency has fulfilled its obligations as regards fundamental rights.*

**Amendment 248**

**Ernst Strasser**

**Proposal for a regulation – amending act**

**Article 1 – point 20 – point a – point i**

Regulation (EC) No 2007/2004

Article 20 – paragraph 2 – point h

*Text proposed by the Commission*

*Amendment*

(h) establish the organisational structure of the Agency and adopt the Agency's staff policy, in particular the multi-annual staff

(h) establish the organisational structure of the Agency and adopt the Agency's staff policy, in particular the multi-annual staff

policy plan **and submit the latter**, in accordance with the relevant provisions of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, **to the Commission and the budgetary authority after receiving a favourable opinion of the Commission;**

policy plan in accordance with the relevant provisions of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation.

Or. en

**Amendment 249**  
**Cecilia Wikström**

**Proposal for a regulation – amending act**  
**Article 1 – point 22 a (new)**  
Regulation (EC) No 2007/2004  
Article 26 a (new)

*Text proposed by the Commission*

*Amendment*

***(22a) The following Article is inserted:***

***"Article 26a***

***Advisory Board on Fundamental Rights***

***1. The Director and the Management Board shall be assisted, in matters concerning the Agency's activities having implications for fundamental rights, by an Advisory Board on Fundamental Rights.***

***2. This Advisory Board shall consist of representatives of the European Asylum Support Office, the Fundamental Rights Agency, the United Nations High Commissioner for Refugees and other relevant organisations. The Advisory Board shall meet on a regular basis.***

***3. The Advisory Board shall have access to the evaluation reports of the joint operations and pilot projects referred to in Article 3(4) and the Return Operation Reports referred to in Article 9(3).***

***It shall also be consulted when the Agency develops the Code of Conduct referred to in Article 9(2) and the***



*common core curricula referred to in Article 5.*

*4. Every year, the Advisory Board shall prepare a report on compliance by the Agency with fundamental rights, notably the relevant Union law, international law and obligations related to international protection.*

*The report shall be transmitted to the Director, the Management Board, the Commission, the European Parliament and the Council and shall be made public."*

Or. en

*Justification*

*This article intends to assure that the respect for Fundamental Rights will be respected in all of the Agency's activities at all times.*

**Amendment 250**

**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation – amending act**

**Article 1 – point 23**

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*2a. The evaluation shall analyse the needs for the Agency to employ independent border guards acting under the instructions of the Agency, including a detailed description of the legal framework that would need to be set in place for that purpose.*      *deleted*

Or. en

**Amendment 251**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation – amending act**

**Article 1 – point 23**

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 a (new)

*Text proposed by the Commission*

2a. The evaluation shall *analyse* the *needs for the Agency to employ independent border guards acting under the instructions* of the Agency, including a detailed description of the legal framework that would need to be set in place for that purpose.

*Amendment*

2a. The evaluation shall *include an analysis, as envisaged in the Stockholm Programme, on the feasibility* of the *creation of a Union system of border guards*, including a detailed description of the legal framework that would need to be set in place for that purpose.

Or. en

**Amendment 252**  
**Ernst Strasser**

**Proposal for a regulation – amending act**

**Article 1 – point 23**

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 a (new)

*Text proposed by the Commission*

2a. The evaluation shall analyse the needs for the Agency to employ *independent* border guards acting under the instructions of the Agency, including a detailed description of the legal framework that would need to be set in place for that purpose.

*Amendment*

2a. The evaluation shall analyse the needs for the Agency to employ border guards acting under the instructions of the Agency, including a detailed description of the legal framework that would need to be set in place for that purpose.

Or. en

**Amendment 253**  
**Sylvie Guillaume**

**Proposal for a regulation – amending act**

**Article 1 – point 23**

Regulation (EC) No 2007/2004  
Article 33 – paragraph 2 b (new)

*Text proposed by the Commission*

2b. The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was respected pursuant to the application of the Regulation.”

*Amendment*

2b. The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was respected pursuant to the application of the Regulation. ***It shall be based, among other sources, on the observations of the independent monitors.***”

Or. fr

*Justification*

*As Parliament noted in its resolution of 18 December 2008 on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR) (2008/2157(INI)), it is essential to ‘fully evaluate FRONTEX’s activities with regard to their impact on fundamental freedoms and rights, including the “responsibility to protect”’.*

#### **Amendment 254**

**Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 23**

Regulation (EC) No 2007/2004  
Article 33 – paragraph 2 b (new)

*Text proposed by the Commission*

2b. The evaluation shall include a specific analysis ***on*** the way the Charter of Fundamental Rights ***was*** respected pursuant to the application of ***the*** Regulation.

*Amendment*

2b. The evaluation shall include a specific analysis ***of*** the way ***in which*** the ***rights enshrined in the*** Charter of Fundamental Rights ***were*** respected pursuant to the application of ***this*** Regulation. ***That analysis shall be carried out in cooperation with the Fundamental Rights Agency, and include the participation of UNHCR and non-governmental organisations with relevant expertise. An annual evaluation of that analysis shall be annexed to the Agency's general report.***

