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DRAFT REPORT


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon
Symbols for procedures

- Consultation procedure
- III Ordinary legislative procedure (first reading)
- II Ordinary legislative procedure (second reading)
- III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2018)0473),

– having regard to Article 294(2) and Articles 77(2) and 79(2)(d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0272/2018),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 19 October 2018\(^1\),

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0000/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

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

Amendment 1

Proposal for a regulation
Recital 1

<table>
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<td>(1) In the context of evolving migratory challenges in the European Union, as well as security concerns,</td>
<td>(1) In the context of the evolving challenges the Union is facing, preserving the careful balance between free movement</td>
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\(^1\) Not yet published in the Official Journal.
preserving the careful balance between free movement of persons on the one hand, and security on the other is of utmost importance. The Union’s objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy.

Or. en

Justification

There are separate funds dedicated to migration and security respectively.

Amendment 2

Proposal for a regulation
Recital 3

*Text proposed by the Commission*

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

*Amendment*

(3) In the Rome Declaration signed on 25 September 2017, leaders of 27 Member States affirmed their determination to 

*ensure* a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.

Or. en

Amendment 3

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

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

Or. en

Justification

The free movement of persons within the Schengen Area has already been in place for over 20 years. It cannot be the case that suddenly there is a precondition which has not existed up to now. There are separate funds dedicated to migration and security respectively.

Amendment 4

Proposal for a regulation
Recital 5

Text proposed by the Commission

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

Amendment

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


Or. en

Justification

The primary role of EIBM should be to establish harmonised border control procedures which, in turn, should help improve migration management and provide increased security.

Amendment 5

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

Justification

Per definition, legitimate travel is neither irregular migration nor a security risk.
Amendment 6

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The European Council of 15 December 2016\textsuperscript{15} called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017\textsuperscript{16} underlined the need to improve interoperability between databases and on 12 December 2017 the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems\textsuperscript{17}.


\textsuperscript{16} European Council conclusions, 22-23 June 2017.

\textsuperscript{17} COM(2017) 794 final.

Amendment

deleted

Justification

This recital has no added value.

Amendment 7

Proposal for a regulation
Recital 8

Text proposed by the Commission

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

Amendment

In an attempt to preserve the integrity of the Schengen area and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against
databases on EU citizens who are crossing the EU’s external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation. However, it has proven necessary to use targeted checks in place of systematic checks at a number of external border crossing points, on account of the disproportionate impact of systematic checks on the flow of cross-border traffic.\(^{1a}\)

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

**Amendment 8**

**Proposal for a regulation**

**Recital 8 a (new)**

*Text proposed by the Commission*

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

Amendment 9

Proposal for a regulation
Recital 9

Text proposed by the Commission

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

Amendment

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

Justification

Linguistic amendment.

Amendment 10

Proposal for a regulation
Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Border control on persons and customs control remain different tasks often dealt with by different authorities. Those controls should of course be complementary but they will not be uniform in their nature.

Amendment 11

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council\(^\text{18}\) by setting up an Integrated Border Management Fund (‘the Fund’).

Amendment


Or. en

Justification

The Commission has also proposed an Internal Security Fund to replace certain aspects of the existing ISF. The IBMF is therefore only part of the replacement of the current ISF.
Amendment 12

Proposal for a regulation
Recital 15

Text proposed by the Commission

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

Amendment

(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union’s international obligations as regards fundamental rights, as well as with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in particular by ensuring compliance with the principle of non-refoulement, the principle of non-discrimination, the principle of fair treatment of third-country nationals and the right to seek international protection.

Or. en

Amendment 13

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The instrument should build on the results and investments **achieved with the support** of its predecessors: the External Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council\(^{21}\) and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014\(^{22}\), and should extend it to take into account new developments.

Amendment


\(^{21}\) OJ L 144, 6.6.2007, p. 22.

\(^{22}\) OJ L 144, 6.6.2007, p. 22.

Amendment 14
Proposal for a regulation
Recital 17

Text proposed by the Commission

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

Amendment

(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, burden-sharing, assessment of the situation and changing circumstances regarding border crossing points - whether formal or informal - personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as third countries and other EU bodies, in particular the [European Union Agency for Asylum], Europol and international organisations.
Amendment 15
Proposal for a regulation
Recital 18

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 16
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The instrument should support measures in the territory of the Schengen countries that are linked to border control as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area.

Amendment

(19) The instrument should support measures in the territory of the Schengen countries that are clearly linked to border control as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area.

Or. en
Justification

A “clear” link with border control is needed before measures should be funded under this instrument.

Amendment 17

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) With a view to improving the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of large-scale IT systems, based on existing or new IT systems. It should also support the setting-up of interoperability between those EU information systems (Entry-exit system (EES))\textsuperscript{23}, the Visa Information System (VIS))\textsuperscript{24}, the European Travel Information and Authorisation System (ETIAS))\textsuperscript{25}, Eurodac\textsuperscript{26}, the Schengen Information System (SIS)\textsuperscript{27} and the European Criminal Records Information System for third-country nationals (ECRIS-TCN))\textsuperscript{28} in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID))\textsuperscript{29}.

Amendment

(20) With a view to improving the management of the external borders, to facilitating legitimate travel, to contributing to the prevention and combating of irregular border crossing and to contributing to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of those large-scale IT systems that have been agreed upon by the European Parliament and the Council. In that regard, it should also support the setting-up of interoperability between those EU information systems (Entry-exit system (EES))\textsuperscript{23}, the Visa Information System (VIS))\textsuperscript{24}, the European Travel Information and Authorisation System (ETIAS))\textsuperscript{25}, Eurodac\textsuperscript{26}, the Schengen Information System (SIS)\textsuperscript{27} and the European Criminal Records Information System for third-country nationals (ECRIS-TCN))\textsuperscript{28} in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID))\textsuperscript{29}.

\textsuperscript{23} Regulation (EU) 2017/2226 of 30

\textsuperscript{24} Regulation (EU) 2017/2226 of 30
November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).


Justification

Linguistic re-drafting.

Amendment 18

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The instrument should complement and reinforce the activities to implement European integrated border management in line with shared responsibility and solidarity between the Member States and

Amendment

(21) The instrument should complement and reinforce the activities implementing European integrated border management in line with shared responsibility and solidarity between the Member States and
the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their programmes, Member States should take into account the analytical tools and operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of border guards, including its components with regard to fundamental rights and access to international protection. In order to develop complementarity between its mission and the responsibilities of the Member States for the control of the external borders as well as to ensure consistency and to avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency on the draft national programmes submitted by the Member States in as far as it falls within the Agency’s competencies, in particular on the activities financed under operating support.

Amendment 19
Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The instrument should support the implementation of the hotspot approach as outlined in the Commission’s

Amendment

(22) In so far as the affected Member States so request, the instrument should support the implementation of the hotspot
The hotspot approach provides operational support to Member States affected by disproportionate migratory pressure at the Union’s external borders. It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and shared responsibility, allowing the arrival of large numbers of persons at the Union’s external borders to be handled humanely and efficiently.

Justification

The hotspot approach should not be conflated with the integrity of the Schengen Area.

Amendment 20

Proposal for a regulation

Recital 24

Text proposed by the Commission

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

Amendment

(24) The instrument should provide financial assistance to those Member States that fully apply the Schengen provisions on external borders and visas and to those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union’s common policy for the management of the external borders.
Amendment 21

Proposal for a regulation
Recital 26

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 22

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) To acknowledge the important role of the Member States’ customs authorities at the external borders and to ensure that they have at their disposal sufficient means to implement their broad scope of tasks at these borders, the instrument for financial support for customs control equipment established by Regulation (EU) No …/… [new Customs Control Equipment Fund] of the European Parliament and of the Council

Amendment

(29) To acknowledge the important role of the Member States’ customs authorities at the external borders and to ensure that they have at their disposal sufficient means to implement their broad scope of tasks at these borders, the instrument for financial support for customs control equipment established by Regulation (EU) …/… [new Customs Control Equipment Fund] of the European Parliament and of the Council
Council should provide these national authorities with the necessary funding to invest in equipment to carry out customs control as well as equipment that can in addition to customs control serve other purposes such as border control.

Or. en

**Justification**

The purpose of the customs control instrument is to provide equipment for customs control and not for border control. Equipment for border control should be funded exclusively under this instrument.

**Amendment 23**

**Proposal for a regulation**

**Recital 30**

**Text proposed by the Commission**

(30) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by this Regulation will exclude equipment that can be used for *both border management and* customs control. On the other hand, the instrument for customs control equipment will *not only* support financially equipment with customs controls as the main purpose but will also *allow its use as well for additional purposes such as border controls and security*. This distribution of roles will *foster* inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624, and *should not prevent* customs and border authorities *working* together.

**Amendment**

(30) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by this Regulation will exclude equipment that can be used for customs control. On the other hand, the instrument for customs control equipment will *support financially equipment needed to undertake* customs controls. This distribution of roles will *require* inter-agency cooperation, *which is* a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624, and *should not prevent* customs and border authorities *working* together.
2016/1624, *thereby enabling* customs and border authorities *to work* together *and* maximising the impact of the Union budget through co-sharing and interoperability of control equipment.

**Justification**

*The purpose of the customs control instrument is to provide equipment for customs control and not for border control. Equipment for border control should be funded exclusively under this instrument.*

**Amendment 24**

**Proposal for a regulation**

**Recital 31**

**Text proposed by the Commission**

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

**Amendment**

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

**Justification**

*It is not clear what security in this context means and how it would differ from border control or general law enforcement. It is not an additional task of coast guards rather an implicit element of border control and general law enforcement.*
Amendment 25
Proposal for a regulation
Recital 34

Text proposed by the Commission

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

Amendment

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

Justification

The primary purpose of the Fund must remain European Integrated Border Management and Visa Policy. Any actions funded in third countries should be with limited in terms of the overall funding available and should be subject to appropriate safeguards, in particular as regards fundamental rights.

Amendment 26
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Funding from the Union budget should concentrate on activities where Union intervention can bring added value as compared to actions by Member States alone. As the Union is in a better position

Amendment

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

Justification

Migration issues are funded under a separate instrument.

Amendment 27

Proposal for a regulation
Recital 37

Text proposed by the Commission

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

Amendment

(37) The instrument should ensure a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. It should balance the need for predictability in the distribution of funding with the need for its increased flexibility and simplicity.

Justification

Linguistic amendment.

Amendment 28

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) As challenges in the area of border

Amendment

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

management and visas are constantly evolving there is a need to adapt the allocation of funding to changes in priorities for visa policy and border management, including as a result of increased pressure at the border, and to steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance, via a thematic facility.

Or. en

Justification

There are separate funds dedicated to migration and security respectively. Adapting to challenges in the area of border management and visa should be the drivers for the thematic facility for this fund.

Amendment 29

Proposal for a regulation
Recital 42

Text proposed by the Commission

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

Amendment

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

Or. en
Justification

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

Amendment 30

Proposal for a regulation
Recital 43

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The Commission has proposed three new Union databases in the JHA area in the last two years and has proposed interoperability between those new systems and the existing databases in the JHA area. As this new landscape for Union data basis intended to take nearly five years to implement the fund should focus any financial support on those systems.
Amendment 31
Proposal for a regulation
Recital 45

Text proposed by the Commission

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

Amendment

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


Amendment 32
Proposal for a regulation
Recital 45 a (new)

Text proposed by the Commission

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

Amendment

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


Or. en
Amendment 33

Proposal for a regulation
Recital 46

*Text proposed by the Commission*

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

*Amendment*

deleted

Or. en

*Justification*

This deletion reflects proposed changes being made to the operational part of the Regulation. Private sector investment should not be needed and should not distort funding in the area of EU Border Management and Visas.

Amendment 34

Proposal for a regulation
Recital 59

*Text proposed by the Commission*

(59) In order to supplement and amend non-essential elements of this Regulation the power to adopt acts in accordance with Article 290 the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list actions eligible for higher co-financing as

*Amendment*

(59) In order to supplement and amend non-essential elements of this Regulation the power to adopt acts in accordance with Article 290 the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of work programmes for the thematic facility, the
listed in Annex IV, operating support and in order to further develop the common monitoring and evaluation framework. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016\(^\text{49}\).


**Amendment 35**

**Proposal for a regulation**

**Recital 60**

*Text proposed by the Commission*

(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council\(^\text{50}\). The *examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the* advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

\(^{50}\) OJ L 55, 28.2.2011, p. 13.

*Amendment*

(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council\(^\text{50}\). The advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

\(^{50}\) OJ L 55, 28.2.2011, p. 13.
Justification

This recital refers to the examination procedure which is not envisaged in this Regulation and should therefore be deleted.

Amendment 36

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

Text proposed by the Commission

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

deleted

Amendment

Justification

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

Amendment 37

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

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

the external borders while safeguarding the free movement of persons within it, in full compliance with the Union’s acquis and international obligations of the Union and its Member States arising from international instruments to which they are signatory.

Amendment 38
Proposal for a regulation
Article 3 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Justification

The language of the proposal is negative and misleading. It is neither clear what the term 'migratory risk' means nor how it can be prevented by issuing a visa. In addition, the common visa policy should seek to ensure a more coherent and harmonised approach by the Member States to the issuance of visas.

Amendment 39
Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a
Non-discrimination and Respect for fundamental rights

The instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis,
the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and with the Union’s international obligations as regards fundamental rights, in particular by ensuring compliance with the principle of non-discrimination and non-refoulement.

Amendment 40
Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

2. To achieve the objectives of this Regulation, the instrument may, within defined limits and subject to the appropriate safeguards, support actions as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5.

Justification

Implementing actions in or with third countries without any limitation is not helpful. It is necessary to adjust the provisions of the proposal with regards to third countries to ensure this measure is not abused and remains an exception, to be used only when it is necessary.

Amendment 41
Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

2a. The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 8 shall not
exceed 2% of the total amount allocated to the thematic facility under Article 7(2)(b).

Or. en

**Justification**

The primary purposes of the Fund must be to support integrated border management at the external borders of the Union and the implementation of a common visa policy. In that regard, actions in third countries should be very much the exception and not the rule. Therefore, support for actions in third countries should be within defined limits and subject to the appropriate safeguards.

**Amendment 42**

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2b. The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 12 shall not exceed, for each Member State, 2% of the total amount allocated to that Member State in accordance with Article 7(2)(a), with Article 10(1) and with Annex I.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en

**Justification**

The primary purpose of the Fund must be to support Integrated Border Management at the external borders of the Union and the implementation of a common visa policy. In that regard, actions in that third countries should be very much the exception and not the rule. Therefore, support for actions in third countries should be within defined limits and subject to the appropriate safeguards.

**Amendment 43**

**Proposal for a regulation**
**Article 5 – paragraph 1 – point a – point ii**
Text proposed by the Commission

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

Amendment

(ii) a third country listed in the work programme under the conditions specified therein, subject to the condition that all actions by, in, or in relation to that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, and the international obligations of the Union and the Member States.

Or. en

Justification

If a legal entity in a third country is to participate in an action or measures funded by this instrument, it must be ensured that those actions or measures comply with the Charter of Fundamental Rights and the international obligations of the EU and its Member States.

Amendment 44

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

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

Amendment

3. deleted

Or. en

Justification

This instrument should fund actions in third countries only on an exceptional basis. The provisions of Article 5 already provide for third-country entities to participate in the Fund under certain conditions. As it is not clear to which legal entities this provision applies in addition to the ones covered under paragraph 1(a)(ii), this paragraph should be deleted.
Amendment 45

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Justification

This instrument should fund actions in third countries only on an exceptional basis. The provisions of Article 5 already provide for third-country entities to participate in the Fund under certain conditions. As it is not clear to which legal entities this provision should apply in addition to the ones covered under paragraph 1(a)(ii), this paragraph should be deleted.

Amendment 46

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II. For the preparation of the working programmes, the Commission shall consult the organisations which represent the partners at Union level, including civil society, in line with Article 6(4) of Regulation (EU) …/… [CPR].

Or. en
Amendment 47
Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A minimum of 30% of the funding from the thematic facility shall be allocated to the specific objective referred to in Article 3(2)(b).

Or. en

Justification

It is important to ensure a fair and transparent distribution of funding across the objectives of the Fund. With that in mind, it is prudent to ensure a minimum level of funding for the common visa policy.

Amendment 48
Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When funding from the thematic facility is granted under direct or indirect management, the Commission shall assess whether the actions foreseen are not affected by a generalised deficiency as regards the rule of law in a Member State that affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union in accordance with Regulation (EU) .../... [Proposal for a Regulation of the European parliament and of the Council on the protection of the Union’s budget in the case of generalised deficiencies as regards the rule of law in the Member States] in a manner that puts at risk the legality and regularity of expenditure or the performance of the projects.
Amendment 49
Proposal for a regulation
Article 8 – paragraph 6

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

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

Or. en

Amendment 50
Proposal for a regulation
Article 8 – paragraph 7

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

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

Or. en

Amendment 51
Proposal for a regulation
Article 8 – paragraph 8
Text proposed by the Commission

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

Amendment

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

Amendment 52

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The contribution from the Union budget shall not exceed **80%** of the total eligible expenditure of a project.

Or. en

Justification

*
The current co-financing rate stands at 80%. It is not clear why this should be changed.*

Amendment 53

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 54

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

Text proposed by the Commission

Amendment

1a. In that regard, Member States shall allocate a minimum of 30% of their allocated funding to the specific objective referred to in Article 3(2)(b).

Or. en

Justification

It is important to ensure a fair and transparent distribution of funding across the objectives of the Fund. With that in mind, it is prudent to ensure a minimum level of funding for the common visa policy.

Amendment 55

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

2. The Commission shall ensure, where appropriate, that the European Border and Coast Guard Agency, eu-LISA, the European Union Agency for Fundamental Rights, and any other relevant Union agency are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies’ competencies.
Amendment 56
Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission

3a. The Commission shall consult eu-LISA on the draft programmes with a specific emphasis on the activities included under technical support in line with Article 3(2)(b) to ensure consistency and complementarity of the actions of eu-LISA and those of the Member States regarding the common visa policy, the facilitation of legitimate travel and the prevention of security risks within the area of freedom, security and justice of the Union, as well as to avoid double financing and to achieve cost efficiency.

Or. en

Amendment 57
Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 58

Proposal for a regulation
Article 12 – paragraph 6

6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency, eu-LISA, the European Union Agency for Fundamental Rights and any other relevant agency or body with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument.

Amendment

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

Or. en

Amendment 59

Proposal for a regulation
Article 12 – paragraph 10

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

Amendment

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

Or. en
**Justification**

*If a legal entity in a third country, or a third country itself, is to participate in an action or measures funded by this instrument, it must be ensured that those actions or measures comply with the Charter of Fundamental Rights and the international obligations of the EU and its Member States.*

**Amendment 60**

Proposal for a regulation  
Article 12 – paragraph 11

**Text proposed by the Commission**

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

**Amendment**

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

Or. en

**Amendment 61**

Proposal for a regulation  
Article 12 – paragraph 12 – introductory part

**Text proposed by the Commission**

12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control

**Amendment**

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

search and rescue operations, purchased with the support of this instrument, the following shall apply:

Or. en

Amendment 62
Proposal for a regulation
Article 12 – paragraph 13

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This amendment is in line with Article 36 of the European Border and Coast Guard Regulation.

Amendment 63
Proposal for a regulation
Article 13 – paragraph -1 (new)

Text proposed by the Commission

-1. The programmes shall be subject to a mid-term review in accordance with Articles 14 and 40 of Regulation (EU) …../… [CPR] and Article 26 of this Regulation.

Amendment

Or. en
Justification

The title and content of the article should follow a logical link between them, showing the progression of the reasoning. Currently, the logical link is missing from Article 13. Therefore, it is necessary to insert a paragraph that explains that the programmes are subject to a mid-term review to then elaborate on the outcomes of the mid-term review, such as the reallocation of resources.

Amendment 64

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

2. If at least 30% of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) …/… [CPR], the Member State concerned shall not be eligible to receive the additional allocation for its programme referred to in paragraph 1.

Or. en

Amendment 65

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Member States using operating support shall comply with the Union acquis on borders and visa and with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

Or. en

Justification

This amendment is necessary to avoid any doubts as to the applicability of other parts of the
Union acquis.

Amendment 66
Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

Blending operations

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

Or. en

Justification

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

Amendment 67
Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Justification

This amendment is necessary to increase transparency on the implementation of the fund.

Amendment 68

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a. The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council1a, which allows data to be sorted, searched, extracted, compared and reused. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary and name of contractor.</td>
<td></td>
</tr>
</tbody>
</table>

### Justification

*This amendment is necessary to increase transparency on the implementation of the fund and reduce the obstacles that exist for accessing relevant information.*

#### Amendment 69

**Proposal for a regulation**  
**Article 23 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other situation <strong>of urgent and exceptional pressure</strong> within the scope of this Regulation <strong>that requires immediate action.</strong></td>
<td>1. The instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area <strong>in accordance with Article 19 of Regulation (EU) 2016/1624</strong>, or any other <strong>duly substantiated emergency situation requiring urgent action at the external borders</strong> within the scope of this Regulation.</td>
</tr>
</tbody>
</table>

**Or. en**

### Justification

*Aligned with EBCG Regulation as regards impact levels. Aligned with the existing ISF-Borders Fund as regards other emergency situations.*

#### Amendment 70

**Proposal for a regulation**  
**Article 24 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An action that has received a contribution under the instrument may also</td>
<td>1. An action that has received a contribution under the instrument may also</td>
</tr>
</tbody>
</table>
receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

Contributions from other Union programmes to actions under this instrument shall be acknowledged, where appropriate, in the Commission work programmes or in the national programmes and annual performance reports.

Or. en

Justification

*This amendment is necessary to increase transparency on the implementation of the instrument.*

**Amendment 71**

**Proposal for a regulation**

**Article 25 – paragraph 1**

**Text proposed by the Commission**

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

**Amendment**

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

Or. en
Justification

Correction of correct reference and clarification that reporting shall be, at a minimum, carried out annually.

Amendment 72

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. For resources under shared management, the common indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) …/… [CPR]. Upon request, the output indicators shall be made available to the European Parliament and to the Council.

Or. en

Amendment 73

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

Text proposed by the Commission

5a. For resources under shared management, monitoring and reporting in accordance with Title IV of Regulation (EU) …/… [CPR] shall be based on the types of intervention set out in Annex VI to this Regulation. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the Commission shall be empowered to adopt delegated acts in accordance with
Article 29 to amend Annex VI.

Or. en

Justification

This is former paragraph 1 of Article 28 moved under Article 25.

Amendment 74

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

Text proposed by the Commission

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

Amendment

Or. en

Justification

This amendment originates from article 55(7) of the EU Reg. No 514/2014, laying down general provisions in the current AMIF and the ISF. Article 55(7) sets a specific obligation to the Commission to monitor and evaluate actions and programmes related to third countries. This obligation should continue in 2021-2027. It should be therefore inserted in the proposal.

Amendment 75

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with Article 14 of this Regulation and the timeline set out Article 40 of Regulation (EU) …/… [CPR].
Amendment 76

Proposal for a regulation
Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26 a

Evaluation

1. By 30 September 2024, the Commission shall carry out a mid-term review of progress towards the achievement of the objectives of this Regulation, with reference in particular to the output and the result indicators set out in Annex VIII and the annual performance reports submitted by the Member States under Article 27. By the same date, the Commission shall submit an evaluation report on the mid-term review undertaken to the European Parliament and to the Council.

The evaluation report on the mid-term review shall in particular include an evaluation of the provisions of this Regulation regarding simplification and flexibility, its coherence with internal and external policies of the Union, the continued relevance of all implementing measures referred to in Annex II and the actions referred to in Annex III. It shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for external borders and visa, part of the Internal Security Fund for the period 2014-2020.

The longer-term impacts of the Fund shall be evaluated with a view to feeding into a decision on a possible renewal, modification or suspension of a subsequent fund.

2. In its mid-term review and retrospective
evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with in Article 5 and Article 12(10) and (11) of this Regulation, and to the enabling conditions as referred to in Article 11 of Regulation (EU) …/[CPR] in relation with the provisions of Article 3(4) of this Regulation.

Or. en

**Justification**

It is important to reinforce monitoring and evaluation of the implementation of the Fund, both for measures supported under shared management and measures supported under direct/indirect management, to enable proper scrutiny by the Parliament, particularly given the substantial increase in funding for borders and visas under the Fund.

**Amendment 77**

**Proposal for a regulation**

Article 27 – paragraph 2 – point d

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) the contribution of the programme to the implementation of the relevant Union acquis and action plans;</td>
<td>(d) the contribution of the programme to the implementation of the relevant Union acquis and action plans, <strong>and their compliance with the Charter of Fundamental Rights of the European Union</strong>;</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 78**

**Proposal for a regulation**

Article 28

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 28 deleted</strong></td>
<td>Monitoring and reporting</td>
</tr>
</tbody>
</table>

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

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

Or. en

Justification

Article 28 paragraph 1 and 2 have been moved to article 25(5) and 25(3) respectively.

Amendment 79

Proposal for a regulation

Article 29 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The power to adopt delegated acts referred to in Articles 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028.</td>
<td>2. The power to adopt delegated acts referred to in Articles 8, 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 80

Proposal for a regulation

Article 29 – paragraph 3

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

**Amendment 81**

**Proposal for a regulation**

**Article 29 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 82**

**Proposal for a regulation**

**Article 30 – paragraph 3**

*Text proposed by the Commission*  
3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to

*Amendment*

3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to

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in Article 27(4).

Or. en

Justification
As no examination procedure is foreseen in this Regulation, this paragraph is not needed.

Amendment 83
Proposal for a regulation
Annex I – point 7 – point a – point 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 70% for the number of crossings of the external border at authorised border crossing points;</td>
<td>(1) 60% for the number of crossings of the external border at authorised border crossing points;</td>
</tr>
</tbody>
</table>

Or. en

Justification
As applications for international protection following the border procedures are added to the criteria determining the workload at the external borders, the referencing percentages in points (a) and (b) should be adjusted accordingly.

Amendment 84
Proposal for a regulation
Annex I – point 7 – point a – point 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) 30% for the number of third-country nationals refused entry at the external border.</td>
<td>(2) 20% for the number of third-country nationals refused entry at the external border.</td>
</tr>
</tbody>
</table>

Or. en

Justification
As applications for international protection following the border procedures are added to the criteria determining the workload at the external borders, the referencing percentages in points (a) and (b) should be adjusted accordingly.
Amendment 85
Proposal for a regulation
Annex I – point 7 – point a – point 2 a (new)

Text proposed by the Commission

(2a) 20 % for the number of persons having submitted an application for international protection or having been included in such an application as a family member and having had their applications processed under the border procedure referred to in Article 43 of Directive 2013/32/EU1a.


Or. en

Justification

Applications for international protection following the border procedures should be added to the criteria determining the workload at the external borders.

Amendment 86
Proposal for a regulation
Annex I – point 10

Text proposed by the Commission

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

Amendment

10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c). The Commission shall make the report publicly available.
Amendment 87
Proposal for a regulation
Annex II – point 1 – point a – point i

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

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

Justification
This amendment is in line with Article 4(a) of the European Border and Coast Guard Regulation.

Amendment 88
Proposal for a regulation
Annex II – point 1 – point a – point ii

Text proposed by the Commission
ii. supporting search and rescue in the context of carrying out border surveillance at sea;

Amendment
deleted

Justification
Moved to point (ee) new as a separate objective.
Amendment 89

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Technical and operational measures funded by this instrument within the Schengen area should not include any measure or action which poses a risk to the principle of freedom of movement and in particular if no appropriate legal base exists.

Amendment 90

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 91

Proposal for a regulation
Annex II – point 1 – point b
Text proposed by the Commission
(b) further developing the European Border and Coast Guard, through common capacity-building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency;

Amendment
deleted

Justification
This provision should be supported by the budget of the European Border and Coast Guard Agency and not by this Instrument.

Amendment 92
Proposal for a regulation
Annex II – point 1 – point e

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

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

Justification
While this instrument should clearly support the Member States in setting up, operating and maintaining the Entry-Exist System, ETIAS, a possible ECRIS-TCN, support Member States in their upgrades of the SIS and VIS, and support them regarding the interoperability of those systems, it should not fund new databases at either national or Union level.
Amendment 93
Proposal for a regulation
Annex II – point 1 – point e a (new)

Text proposed by the Commission

Amendment
(ea) increasing capacity to render assistance to persons in distress at sea, in particular supporting search and rescue operations in the context of carrying out border surveillance at sea.

Or. en

Justification

As Search and Rescue constitutes a specific component of European Integrated Border Management, it is an action to be funded aside and in addition to actions under border control funded under this instrument.

Amendment 94
Proposal for a regulation
Annex II – point 2 – point a

Text proposed by the Commission

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

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

Or. en

Amendment 95
Proposal for a regulation
Annex II – point 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) supporting Member States in issuing humanitarian visas and implementing any future legislative
instrument governing a European humanitarian visa.

Justification

The fund should also help support Member States that wish to issue humanitarian visas and should be used to assist in the implementation of any future Union legislation governing humanitarian visas as part of a common visa policy.

Amendment 96

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

Text proposed by the Commission

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

Amendment

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

Justification

This amendment is necessary ensure coherence with the components of Integrated Border Management as defined in article 2(3) in relation to Article 4 of Regulation (EU) 2016/1624.

Amendment 97

Proposal for a regulation
Annex III – point 1 – point c
(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs and risk analysis and in full compliance with fundamental rights;

Amendment

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

Or. en

Justification

This amendment is necessary to ensure coherence with the components of Integrated Border Management as defined in article 2(3) in relation to Article 4 of Regulation (EU) 2016/1624.

Amendment 98

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This amendment is necessary to ensure coherence with the components of Integrated Border Management as defined in article 2(3) in relation to Article 4 of Regulation (EU) 2016/1624.
Amendment 99
Proposal for a regulation
Annex III – point 1 – point f

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

This amendment is important to avoid overlaps with funding provided through other EU instruments, such as EU funding for Research and Innovation.

Amendment 100
Proposal for a regulation
Annex III – point 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 101
Proposal for a regulation
Annex III – point 1 – point j

Text proposed by the Commission
(j) development of statistical tools, methods and indicators;

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

Or. en

Amendment 102
Proposal for a regulation
Annex III – point 1 – point k a (new)

Text proposed by the Commission
(k a) the exchange of best practices and expertise, including with regard to the protection of fundamental rights in the context of the different components of border control and, in particular with regards to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular women, children and unaccompanied minors;

Amendment
Or. en

Justification
The instrument should foster the sharing of experiences and exchange of expertise and best practices, which are important benefits from EU funding promoting common objectives and a uniform application of EU rules.

Amendment 103
Proposal for a regulation
Annex III – point 1 – point k b (new)
Justification

The fund shall foster the sharing of experiences and exchange of expertise and best practices, which are important benefits from EU funding promoting common objectives and a uniform application of EU rules. Moreover, the impact assessment for this proposal identified that the monitoring and evaluation systems should be improved, so measures supporting this recommendation shall be encouraged by the Commission.

Amendment 104

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 105

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

Text proposed by the Commission

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

Amendment

(j) operating support for the implementation of the common visa policy with due regard for the principle of non-discrimination.
Amendment 106
Proposal for a regulation
Annex III – point 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) supporting Member States in issuing humanitarian visas and implementing any future legislative instrument governing a European humanitarian visa.

Justification

The fund should also help support Member States that wish to issue humanitarian visas and should be used to assist in the implementation of any future Union legislation governing humanitarian visas as part of a common visa policy.

Amendment 107
Proposal for a regulation
Annex III – point 3 – point g a (new)

Text proposed by the Commission

Amendment

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

Amendment 108
Proposal for a regulation
Annex IV – point 3
Text proposed by the Commission

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

Amendment

Or. en

Justification

This objective should be supported by the budget of the European Border and Coast Guard Agency and not by this Instrument.

Amendment 109

Proposal for a regulation
Annex IV – point 5

Text proposed by the Commission

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

Amendment

Or. en

Amendment 110

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

Text proposed by the Commission

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

Amendment

Or. en
Text proposed by the Commission

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

Or. en

Justification

Measures supporting children in migration should be eligible for higher co-financing as identified in Commissions Communication of 12. April 2017 on the protection of children in migration.

Amendment 111

Proposal for a regulation

Annex IV – point 6

Text proposed by the Commission

(6) Measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III, including actions to enhance rights to facilitate access, correction and deletion of data.

Or. en

Amendment 112

Proposal for a regulation

Annex IV – point 6 a (new)

Text proposed by the Commission

(6a) Measures targeting the identification, immediate assistance and referral to protection services of
vulnerable persons, in particular women, children and unaccompanied minors.

Justification

This amendment is necessary to ensure coherence with the components of Integrated Border Management as defined in article 2(3) in relation to Article 4 of Regulation (EU) 2016/1624.

Amendment 113

Proposal for a regulation
Annex IV – point 7

Text proposed by the Commission

(7) Measures for setting up and running hotspot areas in Member States facing existing or potential exceptional and disproportionate migratory pressure.

Amendment

(7) Measures for setting up and running hotspot areas in Member States facing situations as described in Article 23.

Justification

The amendment is important to ensure consistence between this provision and the amendment to article 23.

Amendment 114

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

Text proposed by the Commission

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

Amendment

Data source: Member States

Or. en
Amendment 115
Proposal for a regulation
Annex V – point a – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) Number of persons refused entry
Data source: Member States

Or. en

Amendment 116
Proposal for a regulation
Annex V – point b – introductory part

Text proposed by the Commission

Amendment

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

Or. en

Amendment 117
Proposal for a regulation
Annex V – point b – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) Number of persons who have applied for international protection at Member States' consulates
Data source: Member States

Or. en
Amendment 118
Proposal for a regulation
Annex VI – Table 1 – Subheading 1 – row 011 a (new)

Text proposed by the Commission Amendment
(011a) Measures related to the identification and referral of vulnerable persons

Or. en

Amendment 119
Proposal for a regulation
Annex VI – Table 1 – Subheading 1 – row 011 b (new)

Text proposed by the Commission Amendment
(011b) Measures related to the identification and referral of persons who are in need of, or wish to apply for, international protection

Or. en

Amendment 120
Proposal for a regulation
Annex VI – Table 1 – Subheading 2 – row 010 a (new)

Text proposed by the Commission Amendment
(010a) Issuance of humanitarian visas

Or. en
Amendment 121
Proposal for a regulation
Annex VI – Table 1 – Subheading 3 – row 003 a (new)

Text proposed by the Commission
(003a) Data quality and data subjects’ rights to information, access, rectification, erasure and restriction of their personal data

Amendment

Or. en

Amendment 122
Proposal for a regulation
Annex VIII – point b – introductory part

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

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

Or. en
EXPLANATORY STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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