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REPORT

on the Commission proposal for a Council decision amending Decision 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)
(COM(2004)0384 – C6-0049/2004 – 2004/0122(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Martine Roure

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Commission proposal for a Council decision amending Decision 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme) (COM(2004)0384 – C6-0049/2004 – 2004/0122(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2004)0384)¹,
 - having regard to Article 66 of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0049/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0019/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Calls on the Council to consult Parliament if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 4

(4) The budgetary authority has substantially increased the appropriations

deleted

¹ Not yet published in OJ.

allocated to the ARGO programme for 2004, with a view to better management of the external borders.

Justification

The year 2004 must be viewed as an exception as regards the budget. Following the Commission's presentation of the preliminary draft budget, the Council's adoption of the draft budget and the tabling of budgetary amendments in Parliament, it is clear that the appropriations allocated to the ARGO programme for 2005 will return to the 'normal' level of previous years. The 2004 budget cannot, therefore, form part of a recital to a text amending the ARGO Decision.

Amendment 2

Recital 5

(5) In order to promote the general objectives of the ARGO programme it is appropriate to increase the number of actions to be proposed in the area of external borders and to envisage new types of action.

(5) In order to promote the general objectives of the ARGO programme **and to make it more accessible to national administrations** it is appropriate to increase the number of actions to be proposed in the area of external borders and to envisage new types of action.

Justification

The ARGO programme is not sufficiently well-known to national administrations and they have difficulties in mobilising the necessary co-financing.

Amendment 3

Recital 6 a (new)

(6a) In order to guarantee European added value for all the Member States, it must be possible to verify and assess what contribution they make to the European network for control and surveillance of the external borders. For the same reason, a ceiling should be set on the available appropriations earmarked for actions by a single Member State.

Justification

Generally speaking, and in order to guarantee European added value, European Union

programmes require the participation of several partners from different Member States. In the case in point, the proposal permits, by way of an exception, the financing of programmes by a single Member State aimed at enhancing the security of the external borders. This is a justifiable exception since national borders also constitute the external borders of the European Union and enhancing their security is of benefit to all EU Member States. It must nevertheless be ensured that the actions of single Member States actually contribute to the integrated management of the external borders. In order to highlight the exceptional nature of these actions, it would also be appropriate to place a limit on the budget available for them.

Amendment 4
Article 1, Paragraph 1
Article 10(1 a) (b a) (new) (Decision 2002/463/EC)

ba) generate added value for all Member States, so that single Member State projects enable better-coordinated actions between Member States and consequently a more uniform level of security at all the external borders.

Amendment 5
Article 1, Paragraph 3
Article 12(3)(a) (Decision 2002/463/EC)

(a) prepare an annual work programme comprising specific objectives, thematic priorities, the objective criteria referred to in Article 10 (1a) (b), a description of the actions referred to in Article 10(3) which the Commission intends to undertake and, if necessary, a list of other actions.

(a) prepare an annual work programme comprising specific objectives, thematic priorities, the objective criteria referred to in Article 10 (1a) (b), ***definition of the maximum share of the annual budget available for the actions referred to in Article 10 (1a)***, a description of the actions referred to in Article 10(3) which the Commission intends to undertake and, if necessary, a list of other actions.

Justification

In order to emphasise the exceptional nature of actions not involving direct participation by other Member States, the Commission should be given the possibility of limiting the budget available for such actions.

EXPLANATORY STATEMENT

I. First evaluation report on the ARGO programme

The services of the Commission have recently made public the first annual report on the implementation of the ARGO programme (2002-2003)¹ provided for in Article 14(2) of the ARGO Decision². In this report the Commission noted that for 2003 there is a clear indication of the ARGO programme having under-performed. According to the Commission services, the under-implementation of funds is attributable to two factors. Firstly, the programme is not sufficiently well-known to national administrations and, secondly, the national administrations have difficulties in mobilising the necessary co-financing.

II. The Commission's proposal for amendment

The eligibility criteria for the ARGO programme (Article 8 of the ARGO Decision) currently stipulate participation by at least three partners from three different states. The proposal for amendment of the ARGO Decision is aimed primarily at making financing possible, with regard to activities in the area of the external borders (Article 4), for projects by a single Member State that do not involve direct participation by other Member States.

In the explanatory memorandum, the Commission sets out three main reasons for its proposal for amendment. Firstly, it sees this amendment as the only way - in the short term and prior to the post-2006 financial perspective - of contributing to burden sharing as part of an integrated management of the external borders. Secondly, it wants to remedy the problem detected: national administrations are experiencing difficulties in organising and mobilising, together with partners in the other Member States, the resources needed to implement projects. Lastly, the Commission has been spurred into bringing forward this amendment by the substantial increase in the ARGO budget for 2004, coupled with the underperformance of the programme in 2003 noted in the evaluation report.

The Commission also proposes changing certain provisions relating to comitology. It proposes, *inter alia*, that the Commission should have the power to decide on the list of actions selected, without the participation of a committee of Member State representatives, justifying this proposed amendment on the grounds of the new Financial Regulation.

III. Rapporteur's position

Your rapporteur supports the Commission proposal. All too frequently, EU programmes create frustration among their intended targets, since they are often too inflexible and over-bureaucratic. Many find it too difficult to establish partnerships with organisations in different

¹ SEC(2004) 211

² Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme) *OJ L 161, 19.06.2002, p. 11*

Member States involving firm financial commitments. What is more, the case in point relates solely to projects concerning the external borders of the Union, which by definition form part of an area of free movement that is the common interest of all the Member States. In order to guarantee added value, the Commission is proposing these measures solely to address specific structural weaknesses at strategic border points identified in agreement with the Member States on the basis of objective criteria (risk assessment). However, there is some risk of a misunderstanding arising. It must be clear that, for the time being, the bulk of the resources allocated to border control will continue to be drawn from national budgets, and that this EU programme is not intended to substitute for them. Projects financed under the ARGO programme must have a clearly-established European dimension. Your rapporteur therefore considers that amendments should be incorporated to highlight this requirement.

PROCEDURE

Title	Commission proposal for a Council decision amending Decision 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)		
References	COM(2004)0384 – C6-0049/2004 – 2004/0122(CNS)		
Legal basis	Article 67 EC		
Basis in Rules of Procedure	Rule 51		
Date of consulting Parliament	10.6.2004		
Committee responsible Date announced in plenary	LIBE 15.9.2004		
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 15.9.2004		
Not delivering opinion(s) Date of decision	BUDG 12.10.2004		
Enhanced cooperation Date announced in plenary			
Rapporteur(s) Date appointed	Martine Roure 26.7.2004		
Previous rapporteur(s)			
Simplified procedure Date of decision			
Legal basis disputed Date of JURI opinion			
Financial endowment amended Date of BUDG opinion			
European Economic and Social Committee consulted Date of decision in plenary			
Committee of the Regions consulted Date of decision in plenary			
Discussed in committee	27.7.2004	22.9.2004	12.10.2004
Date adopted	12.10.2004		
Result of final vote	for:	32	
	against:	0	
	abstentions:	0	
Members present for the final vote	Edit Bauer, Johannes (Hans) Blokland, Jean-Louis Bourlanges, Giusto Catania, Carlos Coelho, António Costa, Agustín Díaz De Mera García Consuegra, Rosa M. Díez González, Antoine Duquesne, Patrick Gaubert, Ewa Klamt, Magda Kósáné Kovács, Ole Krarup, Henrik Lax, Jaime Mayor Oreja, Hartmut Nassauer, Bogdan Marek Peł, Martine Roure, Manfred Weber, Stefano Zappalà, Tatjana Ždanoka		
Substitutes present for the final vote	Marek Aleksander Czarnecki, Gérard Deprez, Jeanine Hennis-Plasschaert, Luis Francisco Herrero-Tejedor, Sophia Helena In 't Veld, Sylvia-Yvonne Kaufmann, Herbert Reul, Marie-Line Reynaud, Bogusław Sonik, Kyriacos Triantaphyllides, Jan Zahradil		
Substitutes under Rule 178(2) present for the final vote			
Date tabled – A6	18.10.2004	A6-0019/2004	
Comments			