AMENDMENTS

69 - 254

Draft report
Simon Busuttil
(PE450.754v01-00)


Proposal for a regulation – amending act
Amendment 69
Rui Tavares

Draft legislative resolution
Paragraph 2 a (new)

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

Amendment

Amendment 70
Anna Maria Corazza Bildt

Draft legislative resolution
Paragraph 2 a (new)

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

Or. en

Amendment 71
Birgit Sippel

Draft legislative resolution
Paragraph 3

Draft legislative resolution Amendment
3. Instructs its President to forward its position to the Council, the Commission, the European Data Protection Supervisor
and the national parliaments.

Amendment 72
Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act
Recital 1

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

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

Amendment 73
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Recital 1

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

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

Amendment 74
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

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

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

**Text proposed by the Commission**

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

**Amendment**

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

**AMendment  75**
**Rui Tavares**

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

**Text proposed by the Commission**

**Amendment**

**Amendment  76**
**Rui Tavares, Cornelia Ernst**

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

Amendment 77

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

Proposal for a regulation – amending act
Recital 5


Amendment 78

Rui Tavares

Proposal for a regulation – amending act
Recital 7
(7) Efficient management of the external borders through checks and surveillance contributes to combat illegal immigration and trafficking in human beings and to reduce the threats to the internal security, public policy, public health and international relations of the Member States.

Amendment 79
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat
Proposal for a regulation – amending act
Recital 7

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

Amendment 80
Franziska Keller, Hélène Flautre on behalf of the Verts/ALE Group
Proposal for a regulation – amending act
Recital 7

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

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

**Amendment 81**
Sylvie Guillaume

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

<table>
<thead>
<tr>
<th><strong>Text proposed by the Commission</strong></th>
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<tr>
<td>(7) Efficient management of the external borders through checks and surveillance contributes to <strong>combat illegal</strong> immigration and trafficking in human beings and to <strong>reduce</strong> the threats to the internal security, public policy, public health and international relations of the Member States.</td>
<td>(7) Efficient management of the external borders through checks and surveillance contributes to <strong>combating irregular</strong> immigration and trafficking in human beings and to <strong>reducing</strong> the threats to the internal security, public policy, public health and international relations of the Member States.</td>
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</table>

**Justification**

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

**Amendment 82**
Cecilia Wikström

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

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

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

Or. en

**Justification**

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

**Amendment 83**

**Rui Tavares, Cornelia Ernst**

Proposal for a regulation – amending act

**Recital 10**

**Text proposed by the Commission**

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

**Amendment**

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

Or. en

**Amendment 84**

**Rui Tavares**

Proposal for a regulation – amending act

**Recital 11**

**Text proposed by the Commission**

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

**Amendment**

deleted

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

Amendment 85
Rui Tavares, Cornelia Ernst
Proposal for a regulation – amending act
Recital 12

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

Amendment

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

Amendment 86
Sari Essayah
Proposal for a regulation – amending act
Recital 14 a (new)

Text proposed by the Commission
(14a) Measures to render operations more effective should not result in supranational administration of resources earmarked for Member States’ border security, nor should they call into question the unambiguous responsibility of Member States for surveillance of the external borders and for the quality and quantity of the resources to be used to maintain border security. Responsibility for managing border security operations
should also invariably rest with the Member-State authority in whose area the operations are carried out at any given time.

Amendment 87
Franziska Keller, Hélène Flautre on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Recital 17

Text proposed by the Commission

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

Amendment

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

Amendment 88
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Recital 19

Text proposed by the Commission

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

Amendment

(19) The Agency, together with the United Nations High Commissioner for Refugees, the European Asylum Support Office, the International Organization for Migration and other relevant European and international organisations, should provide training, including on fundamental rights, at European level for national
officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency's work in this perspective in the national training programs of their border guards.

Amendment 89
Andreas Mölzer, Franz Obermayr
Proposal for a regulation – amending act
Recital 19

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

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

Amendment 90
Anna Maria Corazza Bildt
Proposal for a regulation – amending act
Recital 19
(19) The Agency should provide training, including on fundamental rights, at European level for national instructors of border guards and additional training and seminars related to control and surveillance at the external borders and removal of third-country nationals illegally present in the Member States for officers of the competent national services. The Agency may organise training activities in cooperation with Member States on their territory. Member States should integrate the results of the Agency’s work in this perspective in the national training programs of their border guards.

Amendment

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

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

Proposal for a regulation – amending act
Recital 19

Text proposed by the Commission

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

Amendment

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Amendment 92

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

Proposal for a regulation – amending act
Recital 20

Text proposed by the Commission

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

Amendment

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

Amendment 93

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

Proposal for a regulation – amending act
Recital 21

Text proposed by the Commission

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

Amendment

deleted

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

Amendment 94
Cecilia Wikström
Proposal for a regulation – amending act
Recital 21

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

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

Or. en
(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.
mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework of the external relations policy of the European Union.

The Agency should not duplicate the work of Europol or other agencies nor should it take over tasks from Europol or other agencies.

Amendment 97
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act Recital 22

Text proposed by the Commission

(22) For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency and other European Union Agencies and bodies, the competent authorities of third countries and the international organisations competent in matters covered by Regulation (EC) No 2007/2004 in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. The Agency should facilitate the operational cooperation between Member States and third countries in the framework
of the external relations policy of the European Union. of the external relations policy of the European Union under the condition that the relevant third countries have signed Geneva Convention Relating to the Status of Refugees of 28 July 1951.

Amendment 98
Sylvie Guillaume

Proposal for a regulation – amending act
Recital 22

Text proposed by the Commission

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

Amendment

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

Justification

The Agency should be allowed to work with a wider variety of cooperation partners so as to enable it to benefit from the expertise and know-how of a greater number of organisations.
Amendment 99
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Recital 27

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

 Amend _text proposed by the Commission_ (27) When ensuring the operational management of IT systems, the Agency should follow European and international standards, _including on data protection_, taking into account the highest professional requirements.

Or. en

Amendment 100
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Recital 28 a (new)

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

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

Or. en

Amendment 101
Timothy Kirkhope on behalf of the ECR Group

Proposal for a regulation – amending act
Recital 36
(36) A controversy exists between the Kingdom of Spain and the United Kingdom on the demarcation of the borders of Gibraltar. 

Amendment 102
Timothy Kirkhope on behalf of the ECR Group

Proposal for a regulation – amending act
Recital 37

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

Amendment 103
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 - point 1
Article 1 – paragraph 2

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

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

\textit{\textsuperscript{1} OJ L 111, 4.5.2010, p. 20.}

Or. en
Amendment 104
Sylvie Guillaume

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

Text proposed by the Commission

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

Amendment

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

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

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

Amendment 105
Rui Tavares, Cornelia Ernst
Proposal for a regulation – amending act
Article 1 – point 1
Article 1 – paragraph 2

Text proposed by the Commission

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

Amendment

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code, and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external
borders of the Member States. The Agency shall fulfil its tasks in full respect for relevant Union law, including the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, international law, including the Geneva Convention Relating to the Status of Refugees of 28 July 1951, obligations related to access to international protection, in particular the principle of non-refoulement and prohibition of collective expulsions, and fundamental rights.

Amendment 106
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 1 a (new)
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

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

“2a. To enable human rights obligations to be fulfilled more readily, the Agency shall draw up a Code of Conduct applicable to all operations managed jointly and/or coordinated by the Agency and to pilot projects carried out in cooperation with Member States. The Code shall lay down standardised common procedures intended in particular to guarantee respect for fundamental rights and to establish an effective independent system for monitoring of operations. To ensure that the above-mentioned activities are conducted transparently and evaluated coherently, the observations of the independent monitors shall be set out in
the evaluation reports referred to in Article 3(4) and incorporated into an annual reporting mechanism of the type specified in Article 20(2)(b).

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

Or. fr

Justification

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

Amendment 107
Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 1 a (new)
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

1a. Article 1(3) is replaced by the following:
"The Agency shall also provide the
Commission and the Member States with the necessary technical support and expertise in the management of the external borders and promote solidarity between Member States, especially those facing specific and disproportionate pressures. Monitoring of the work of the Agency shall take account, inter alia, of this specific assessment element.”

Or. it

Justification

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

Amendment 108
Monika Hohlmeier

Proposal for a regulation – amending act
Article 1 – point 2 – point a
Article 1a – point 2

Text proposed by the Commission

 proposed by the Commission

Amendment

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

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

Or. en

Justification

High sea areas are not within the jurisdiction of a host Member State; yet there needs to be a definition of high sea areas where Frontex coordinated sea surveillance operations take place. With a clear focus on and limitation of the purpose of such operations, these concerned areas should be defined by risks or threats based on risk analyses.
Amendment 109
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 2 – point a
Article 1a – point 2

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

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

Or. en

Amendment 110
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point -i (new)
Article 2 – paragraph 1 – points a and b

Text proposed by the Commission
(-i) points (a) and (b) are replaced by the following:
"(a) coordinate operational cooperation between Member States in the field of management of external borders and rescue at sea;

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

Amendment

Or. en
Amendment 111

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

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point i
Article 2 – paragraph 1 – point c

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

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

Amendment 112
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point i
Article 2 – paragraph 1 – point d

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

Amendment
(d) participate in the development of research relevant for the control and surveillance of external borders and their consequences under the Schengen Borders Code as supplemented by Council Decision 2010/252/EU of 26 April 20101 as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, and all obligations related to access to international protection and human rights;
Amendment 113

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

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point i
Article 2 – paragraph 1 – point d

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

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

Or. en

Amendment 114
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point i a (new)
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission
(ia) the following point is added:
"(da) assist Member States in circumstances requiring increased technical and operational assistance at the external borders, namely for humanitarian emergencies and rescue at sea;"

Amendment

Or. en
Amendment 115

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

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point ii
Article 2 – paragraph 1 – point f

Text proposed by the Commission

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

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

Amendment

deleted

Or. en

Amendment 116

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point ii
Article 2 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 117

Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point ii
Article 2 – paragraph 1 – point f
(f) provide Member States with the necessary support, including, upon request, coordination regarding organising joint return operations; and voluntary returns;

Amendment 118

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

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point iii
Article 2 – paragraph 1 – point h

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

Amendment

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

Amendment 119

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 3 – point a – point iii
Article 2 – paragraph 1 – point h

(h) develop and operate information

Amendment

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

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

Amendment 120
Manfred Weber, Ernst Strasser
Proposal for a regulation – amending act
Article 1 – point 3 – point a – point iii a (new)
Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

(iiia) the following point shall be added:
“(ia) surveillance of the application of the Schengen acquis.”

Amendment

Or. en

Amendment 121
Manfred Weber, Ernst Strasser
Proposal for a regulation – amending act
Article 1 – point 3 – point a – point iii a (new)
Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

(iiia) the following point shall be added:
“(ia) participation in the system for assessing the application of the Schengen acquis.”

Amendment

Or. de
Amendment 122
Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act
Article 1 – point 3 – point b
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 123
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 3 – point b
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

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

Amendment

All border guards and other personnel of the Member States, as well as the staff of the Agency, including liaison officers deployed pursuant to Article 14(2) to third countries, shall, prior to their participation in operational activities organised by the Agency or their deployment to third countries, have received training in relevant EU and international law, including fundamental rights and access to international protection.
Amendment 124
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 3 – point b
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

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

Amendment 125
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 3 – point b a (new)
Article 2 – paragraph 1a a (new)

Text proposed by the Commission

(ba) the following paragraph 1aais inserted:

Amendment

(ba) the following paragraph 1aais inserted:
"Measures taken for the purpose of the surveillance operation must be conducted in accordance with fundamental rights and in a way that does not put at risk the safety of the persons intercepted or rescued."

Or. en

Amendment 126
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 3 – point b b (new)
Article 2 – paragraph 1a b (new)

Text proposed by the Commission

(bb) The following paragraph 1ab is inserted:

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

Or. en

Amendment 127
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 2
The Agency may itself initiate joint operations and pilot projects in cooperation with Member States.

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

Amendment 128
Zbigniew Ziobro

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 2

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

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

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

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 4

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

Joint operations and pilot projects should be preceded by a comprehensive risk analysis, including an assessment with respect to fundamental rights and international protection obligations.
Amendment 130
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 4

Text proposed by the Commission  
Joint operations and pilot projects should be preceded by a thorough risk analysis.  

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

Or. en

Amendment 131
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 5

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

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

Or. en

Amendment 132
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group
<table>
<thead>
<tr>
<th>Proposal for a regulation – amending act</th>
<th>Amendment</th>
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<tbody>
<tr>
<td><strong>Article 1 – point 4</strong></td>
<td></td>
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<tr>
<td>Article 3 – paragraph 1 – subparagraph 5</td>
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<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.</td>
<td>The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled and/or if violations of fundamental rights and international protection obligations have occurred.</td>
</tr>
</tbody>
</table>

Amendment 133
Birgit Sippel

<table>
<thead>
<tr>
<th>Proposal for a regulation – amending act</th>
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<tbody>
<tr>
<td><strong>Article 1 – point 4</strong></td>
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<td>Article 3 – paragraph 1 – subparagraph 5</td>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.</td>
<td>The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled, including because of violations of fundamental rights and international protection obligations.</td>
</tr>
</tbody>
</table>

Amendment 134
Sylvie Guillaume
The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are no longer fulfilled.

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

Or. fr

Justification

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

Amendment 135
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 5

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

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

Or. en

Amendment 136
Birgit Sippel

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 1 – subparagraph 5 a (new)
The Agency shall develop a Code of Conduct to apply to the Agency's personnel and pooled border guards involved in all joint operations, in full compliance with fundamental rights, in particular the principles of human dignity, non-refoulement, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data and non discrimination.

Amendment 137
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 138
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

See justification for Amendment 106.
Amendment 139
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

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

Or. en

Amendment 140
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

3a. The Agency shall develop a general Code of Conduct which shall apply during all operations coordinated by the Agency, based on fundamental rights, in particular the principles of human
dignity, prohibition of torture and of inhuman or degrading treatment or punishment, non-refoulement, the rights to the protection of personal data and non discrimination. This Code of Conduct shall be developed in cooperation with other competent EU or international bodies and organisations, namely FRA, EASO, UNHCR and IOM.

Amendment 141
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 4

Text proposed by the Commission

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

Amendment

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

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

Amendment 142

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

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 143
Birgit Sippel

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 144
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 4 a (new)

Text proposed by the Commission

4a. The results of joint operations in terms of compliance with fundamental rights shall be evaluated independently by competent bodies and organisations. That evaluation shall be based on such
arrangements as are provided for in Article 13 that have been concluded no later than the beginning of the joint operations evaluated.

Or. en

Amendment 145
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 4
Article 3 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 146
Zbigniew Ziobro

Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 147

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

Proposal for a regulation – amending act
Article 1 – point 5
Article 3 a (new) – paragraph 1 – subparagraph 2 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a description of the situation, with modus operandi and objectives of the deployment, including the operational aim;</td>
<td>(a) a description of the situation, with modus operandi and objectives of the deployment, including the operational aim, as well as guidelines for the protection of fundamental rights;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 148

Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 5
Article 3 a (new) – paragraph 1 – subparagraph 2 – point e

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(e) the composition of the teams of guest officers;</td>
<td>(e) the composition of the teams of guest officers and of independent observers as referred to in the Code of Conduct;</td>
</tr>
</tbody>
</table>

Or. fr

Justification

See justification for Amendment 106.

Amendment 149

Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group
Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 2 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 150
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 2 – point h

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 151

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

Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 2 – point i

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.</td>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place. In particular, those requirements shall, in accordance with Article 1, specify the place of disembarkation, as well as detailed measures regarding the provision of food, shelter, medical care and access to asylum and non-refoulement. They shall allow individuals to explain their circumstances during a personal interview and facilitate access to the asylum procedure through interpretation and legal advice if individuals wish to apply for asylum.</td>
</tr>
</tbody>
</table>
**Proposal for a regulation – amending act**  
**Article 1 – point 5**  
Article 3 a (new) – paragraph 1 – subparagraph 2 – point i

<table>
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<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.</td>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place and those regarding the extraterritorial applicability of the obligation of non-refoulement under Article 3(1) of the Geneva Convention of 28 July 1951 relating to the Status of Refugees. In accordance with Article 1 of Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union1, the rules and guidelines applicable to search and rescue situations and to disembarkation shall form part of the operational plan drawn up for each operation coordinated by the Agency.</td>
</tr>
</tbody>
</table>

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1 OJ L 111, 4.5.2010, p. 20.

**Justification**

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

Amendment 153
Anna Maria Corazza Bildt

Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 2 – point i

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.</td>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place, including reference to international and Union law regarding interception, rescue at sea and disembarkation.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 154
Stavros Lambrinidis

Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 2 – point i

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) regarding sea operations, specific requirements regarding the applicable jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.</td>
<td>(i) regarding sea operations, specific information on the application of the relevant legislation in the geographical area where the joint operation takes place.</td>
</tr>
</tbody>
</table>

Or. en
Amendment 155  
Georgios Papanikolaou  

Proposal for a regulation – amending act  
Article 1 – point 5  
Article 3a (new) – paragraph 1 – subparagraph 2 – point i  

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) regarding sea operations, specific jurisdiction and maritime law provisions concerning the geographical area where the joint operation takes place.</td>
<td>(i) regarding sea operations, specific legislation and maritime law provisions concerning the geographical area where the joint operation takes place.</td>
</tr>
</tbody>
</table>

Or. en  

Amendment 156  
Sylvie Guillaume  

Proposal for a regulation – amending act  
Article 1 – point 5  
Article 3 a (new) – paragraph 1 – subparagraph 2 – point i a (new)  

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ia) specific measures to ensure respect for fundamental rights, including guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities.</td>
<td>(ia) specific measures to ensure respect for fundamental rights, including guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities.</td>
</tr>
</tbody>
</table>

Or. fr  

Justification  

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

Amendment 157
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 5
Article 3a (new) – paragraph 1 – subparagraph 2 – point i a (new)

Text proposed by the Commission

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

Or. en

Amendment 158
Zbigniew Ziobro

Proposal for a regulation – amending act – amending act
Article 1 – point 5
Article 3b (new) – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 159
Birgit Sippel

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 1

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

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

Amendment 160
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 4

Text proposed by the Commission
4. Members of the Frontex Joint Support

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

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

**Amendment 161**
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 5
Article 3 b (new) – paragraph 4

**Text proposed by the Commission**

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

**Amendment**

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

**Justification**

To make for effective implementation as regards the identification of persons seeking
international protection, the right of asylum should be explicitly mentioned as one of the fundamental rights which members of Frontex Joint Support Teams must undertake to respect.

Amendment 162
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 4

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

Or. en

Amendment 163
Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers,</td>
<td>4. Members of the Frontex Joint Support Teams shall, in the performance of their tasks and in the exercise of their powers,</td>
</tr>
</tbody>
</table>
fully respect fundamental rights and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, social status, religion or belief, disability, age or sexual orientation.

Amendment 164
Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. it

Justification

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

Amendment 165
Monika Hohlmeier

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 5

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 166
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 5
Article 3b (new) – paragraph 5

Text proposed by the Commission

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

Amendment

5. In accordance with Article 3g the Agency shall nominate a coordinating officer for each joint operation, rapid intervention mission or pilot project where EU Border Guard System members will be deployed. The role of the coordinating officer shall be, inter alia, to monitor the operation of and to foster cooperation and coordination amongst host and participating Member States.
Amendment 167  
Rui Tavares, Cornelia Ernst  
Proposal for a regulation – amending act  
Article 1 – point 5  
Article 3c (new) – paragraph 1  

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 168  
Manfred Weber  
Proposal for a regulation – amending act  
Article 1 – point 5  
Article 3c (new) – paragraph 2  

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

In individual cases, it is not a national border that is secured but the common European border. In the event of a dispute the Agency must therefore be responsible for taking the final
decision. However, the Agency’s stipulations must accord with EU provisions.

Amendment 169
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 5
Article 3 c (new) – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The Agency, via its coordinating officer as referred to in Article 3b(5), may communicate its views on those instructions to the host Member State. If it does so, the host Member State shall take those views into consideration.</td>
<td>2. The Agency, via its coordinating officer as referred to in Article 3b(5), may communicate its views on those instructions to the host Member State. If it does so, the host Member State shall, subject to Article 10, take those views into consideration.</td>
</tr>
</tbody>
</table>

Or. fr

Justification

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

Amendment 170
Zbigniew Ziobro

Proposal for a regulation – amending act
Article 1 – point 5
Article 3 c (new) – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>2. The Agency, via its coordinating officer as referred to in Article 3b (5), may communicate its views on those instructions to the host Member State. If it does so, the host Member State shall take those views into consideration.</td>
<td>(Does not affect English version.)</td>
</tr>
</tbody>
</table>
Amendment 171
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 6
Article 4 – paragraph 2

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

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

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

Amendment 172
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group
Proposal for a regulation – amending act
Article 1 – point 6
Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 173
Birgit Sippel

Proposal for a regulation – amending act
Article 1 – point 6
Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 174  
Georgios Papanikolaou

Proposal for a regulation – amending act  
Article 1 – point 6  
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 175  
Manfred Weber, Ernst Strasser

Proposal for a regulation – amending act  
Article 1 – point 6 a (new)  
Article 4 a (new)

Text proposed by the Commission

(6a) The following Article is inserted:

"Article 4a  
Assessment of the Schengen acquis  
The Agency shall take all necessary measures to constantly assess the Schengen acquis. This shall be done in
cooperation with the Schengen Member States. The assessment reports shall be made available to the EU Institutions and the Member States.”

Amendment 176

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

Proposal for a regulation – amending act
Article 1 – point 7
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights and access to international protection. The European Parliament shall have full access to the contents of the common core curricula. Member States shall integrate the common core curricula in the training of their national border guards. In developing, implementing and evaluating the common core curricula, the Agency shall work closely with the Fundamental Rights Agency, as well as with UNHCR and non-governmental organisations with relevant expertise.
Amendment 177
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 7
Article 5 – paragraph 1

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

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

Or. fr

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

Amendment 178
Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act
Article 1 – point 7
Article 5 – paragraph 1 – subparagraph 1

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

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

The Agency shall establish and further develop common core curricula for border guards' training and provide training at European level for instructors of the national border guards of Member States, including with regard to effective denial of admission to or apprehension of people crossing the border illegally, while respecting fundamental rights.

Amendment 179
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 7
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 180
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 7
Article 5 – paragraph 1

Text proposed by the Commission

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

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

Amendment 181
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 8
Article 6

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

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

Amendment 182
Véronique Mathieu

Proposal for a regulation – amending act
Article 1 – point 8
Article 7 – paragraph 1 – subparagraph 1

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

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

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

Amendment 183

Timothy Kirkhope on behalf of the ECR Group

Proposal for a regulation – amending act

Article 1 – point 8


Article 7 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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

*Or. en*

*Amendment*

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

*Or. en*
Amendment 184

Timothy Kirkhope on behalf of the ECR Group

Proposal for a regulation – amending act
Article 1 – point 8
Article 7 – paragraph 1 – subparagraph 1 – indent 1

   Text proposed by the Commission

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

   Amendment

– deleted

Or. en

Amendment 185
Georgios Papanikolaou

Proposal for a regulation – amending act
Article 1 – point 8
Article 7 – paragraph 1 – subparagraph 1 – indent 1

   Text proposed by the Commission

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

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

   Amendment

Or. en

Amendment 186
Georgios Papanikolaou

Proposal for a regulation – amending act
Article 1 – point 8
Article 7 – paragraph 1 – subparagraph 2
Text proposed by the Commission

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

Amendment

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

Amendment 187
Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 8
Article 7 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

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

Amendment

Justification

The possibility of using technical equipment and/or materials which have been seized and/or confiscated, in addition to those acquired or leased, on the one hand ensures that equipment is available which is already operational and on the other hand reduces the Agency’s costs.
### Amendment 188

Véronique Mathieu

Proposal for a regulation – amending act

**Article 1 – point 8**


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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>If the minimum number of equipment proves to be insufficient to carry out the operational plan agreed for joint operations, pilot projects, Rapid Border Intervention Teams or return operations, it shall be revised by the Agency on the basis of justified needs and of an agreement between the Agency and the Member States.</td>
<td></td>
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</tbody>
</table>

Or. en

### Amendment 189

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

Proposal for a regulation – amending act

**Article 1 – point 8**


Article 7 – paragraph 6

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>6. The Agency shall report on the composition and the deployment of equipment, which is part of the technical equipment pool, to the Management Board on a monthly basis. In case the minimum number of equipment referred to in paragraph 5 is not reached, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the identified</td>
<td>6. The Agency shall report on the composition and the deployment of equipment, which is part of the technical equipment pool, to the Management Board on a monthly basis. In case the minimum number of equipment referred to in paragraph 5 is not reached, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the identified</td>
</tr>
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</table>
shortcomings. It shall inform the Commission of the identified shortcomings and the steps taken. The Commission may subsequently inform the European Parliament and the Council, together with its own assessment.

Or. en

Amendment 190
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 9
Article 8

Text proposed by the Commission

(9) Article 8 is deleted.

Amendment

(9) Article 8 is replaced by the following:

"Article 8
Obligations under maritime law
Implementation of this Regulation does not affect and fully complies with obligations of Member States under the UN Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue and the Geneva Convention Relating to the Status of Refugees."

Or. en

Amendment 191
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 9
Article 8
(9) Article 8 is deleted.

(9) Article 8 is amended as follows:
(a) paragraph 1 is replaced by the following:
"1. Without prejudice to Article 64(2) of the Treaty, one or more Member States facing specific and disproportionate pressures and confronted with circumstances requiring increased technical and operational assistance when implementing their obligations with regard to control and surveillance of external borders may request the Agency for assistance. The Agency shall organise the appropriate technical and operational assistance for the requesting Member State(s)."

(b) in paragraph 2 the following point is added:
"(ba) deploy border guards from the EU Border Guard System."

Or. en

Amendment 192

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

Proposal for a regulation – amending act
Article 1 – point 10 – point -a (new)
Article 8 e – paragraph 1 – point a

Text proposed by the Commission

(-a) point a is replaced by the following:
"(a) description of the situation, with modus operandi and objectives of the deployment, including the operational aim, as well as guidelines for the protection of fundamental rights;"
Amendment 193
Georgios Papanikolaou

Proposal for a regulation – amending act
Article 1 – point 10 – point b
Article 8 e – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

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

Amendment 194
Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph -1 (new)

Text proposed by the Commission

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

Amendment

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

Justification

It is necessary to specify the extent of the support, which must be complete in order to meet every possible need of the Member States.
Amendment 195
Birgit Sippel

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph -1 (new)

Text proposed by the Commission

Amendment

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

Amendment 196
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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

Amendment 197
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 198
Stavros Lambrinidis

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph 1
1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC\textsuperscript{15}, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

2. The Agency shall develop a Code of Conduct for the return of illegally present third-country nationals by air which shall apply during all joint return operations coordinated by the Agency, describing common standardized procedures which should simplify the organisation of joint return flights and assure return in a humane manner and in full respect for fundamental rights, in particular the principles of human dignity, prohibition of torture and of
inhuman or degrading treatment or
punishment, right to liberty and security,
the rights to the protection of personal data
and non discrimination.

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

Or. en

Amendment 200
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until the hand-over of the returnees in the country of return. Member States shall ensure that relevant international and non-governmental organisations are involved during removal procedures in order to guarantee compliance with proper legal procedure. Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in
the annual reporting mechanism referred to in Article 20(2)(b).

Or. fr

Justification

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

Amendment 201

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

Proposal for a regulation – amending act

Article 1 – point 12
Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until a follow up of the situation of the returnee has been conducted in the country of return, especially with regard to how they were received at the arrival point, how they were treated by the third-country authorities and whether they were arrested. Personnel in charge of monitoring shall have access to all relevant facilities, including detention centres and aircraft, and receive the necessary training to perform their duties.
Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in an annual reporting mechanism.

Amendment 202

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

Proposal for a regulation – amending act
Article 1 – point 12
Article 9 – paragraph 4 a (new)

Text proposed by the Commission

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

Amendment 203

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

Proposal for a regulation – amending act
Article 1 – point 13
Article 10 – paragraph 2
2. While performing their tasks and exercising their powers guest officers shall comply with international law, Union law, in accordance with fundamental rights, and the national law of the host Member State.

Amendment 204
Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act
Article 1 – point 13 a (new)
Article 10 – paragraph 3

Text proposed by the Commission

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

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

Or. de

Justification

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

Amendment 205
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 13 a (new)
Article 10 – paragraph 3
(13a) In Article 10, paragraph 3 is replaced by the following:

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

Or. en

Justification

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

Amendment 206
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 13 b (new)
Article 10 – paragraph 4

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

"4. Guest officers shall wear their own uniform while performing their tasks and exercising their powers. They shall wear a blue armband with the insignia of the European Union [...] on their uniforms, identifying them as participating in a joint operation or pilot project. For the purposes of identification vis-à-vis the national authorities of the host Member State and its citizens, guest officers shall at all
times carry a visible accreditation badge, as provided for in Article 10a [...]”

Amendment 207

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

Proposal for a regulation – amending act
Article 1 – point 13 c (new)
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 208
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 13 d (new)
Article 10 – paragraph 7

Text proposed by the Commission

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

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

Justification

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

Amendment 209
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 15
Article 11 a (new)

Text proposed by the Commission

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

Amendment

The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the Data Protection Officer of the Agency. The application
measures shall include provisions on the information to be supplied to, and the rights of, the person concerned as regards the protection of personal data in accordance with Articles 11 and 12 and 13 to 19 of that Regulation.

Justification

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

Amendment 210
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 15 a (new)

Article 11 a a (new)

(15 a) The following Article is inserted:
"Article 11aa
Protection of personal data
The Agency fully respects the right to the protection of personal data, as enshrined in the Charter of Fundamental Rights of the European Union, and recognises that its provisions on data protection, namely Article 8, also apply to third-country nationals. Such data shall be processed fairly for specified purposes and on the basis of the consent of the person concerned or another legitimate basis laid down by law. Everyone has the right to access data which has been collected concerning him or her, and the right to have it rectified, including through judicial procedures. Compliance with these rules shall be subject to control by
an independent authority."

Amendment 211
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act
Article 1 – point 15 a (new)
Article 11 a a (new)

Text proposed by the Commission

(15 a) The following Article is inserted:
"Article 11aa

Processing of personal data

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

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

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

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

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

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

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

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

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

Or. fr

Justification

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

Amendment 213
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 16
Article 13 – title

Text proposed by the Commission
Cooperation with European Union agencies and bodies and international organisations

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

Or. fr

Justification

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

Amendment 214
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 16
Article 13
The Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies.

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

Or. fr

Justification

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

Amendment 215
Georgios Papanikolaou

Proposal for a regulation – amending act
Article 1 – point 16
Article 13

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

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

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

Amendment 216
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 13

Text proposed by the Commission

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

Amendment

The Agency may cooperate with Europol, the European Asylum Support Office, the Fundamental Rights Agency, other European Union agencies and bodies, and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies. The European Parliament shall be informed, in accordance with Article 218 of the Treaty on the Functioning of the European Union, of
any such arrangements concluded by the Agency. The Agency may also invite representatives of third countries, other European Union agencies and bodies or international organisations to participate in its activities as referred to in Articles 3, 4 and 5. Such representatives shall receive appropriate training from the Agency prior to their participation, in particular in relation to fundamental rights.

Amendment 217
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 16
Article 13

Text proposed by the Commission

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

Amendment

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

Justification

Personal data are sensitive data. Exchanges of personal data should not be encompassed within the Agency’s cooperation arrangements and must therefore be prohibited.
Amendment 218
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 1

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

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

Or. fr

Amendment 219
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 1

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

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

Or. fr

Justification

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

Amendment 221
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

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

Or. en

Amendment 222
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en
**Amendment 223**  
Birgit Sippel

Proposal for a regulation – amending act  
Article 1 – point 16  
Article 14 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 224**  
Stavros Lambrinidis

Proposal for a regulation – amending act  
Article 1 – point 16  
Article 14 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. *When Member States are not sufficiently represented, the* Agency may
deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries also, for a limited period of time. The Management Board shall adopt, on a proposal of the Executive Director, the list of priorities on a yearly basis in accordance with the provisions of Article 24.

Amendment 225
Cecilia Wikström

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

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

Or. en

*Justification*

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

**Amendment 226**

Birgit Sippel

*Proposal for a regulation – amending act*

**Article 1 – point 16**


Article 14 – paragraph 2 a (new)

_text proposed by the Commission_  

**Amendment**

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

Or. en

**Amendment 227**

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

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

\textbf{Amendment 228}
Cornelia Ernst, Rui Tavares

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

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

\textbf{Or. en}
Amendment 229
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 230
Cecilia Wikström

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

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

Or. en

Justification

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

Amendment 231
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 4

Text proposed by the Commission

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

Amendment

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

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

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

Justification

Il est nécessaire d'exiger explicitement que les opérations de l'Agence en dehors du territoire de l'UE ou dans un pays tiers soient compatibles avec le cadre juridique dans lequel l'Agence fonctionne, notamment en matière de respect des droits de l'homme. Dans son analyse d'impact (SEC(2010) 149), la Commission européenne précise d'ailleurs à cet égard: "Technical assistance to operations, which could lead to violations of fundamental rights (e.g. allowing for excessive use of force, breaching the right to privacy, refoulement), should not be offered to third countries, within the framework of these projects". Il convient par ailleurs d'élargir le type d'organisations que l'Agence peut inviter afin non seulement pour celle-ci de bénéficier de l'expertise et du savoir-faire d'un plus grand nombre d'organisations, mais aussi d'assurer une plus grande transparence dans ses activités dans les pays tiers.
Amendment 233
Georgios Papanikolaou

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 4

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

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

Or. en

Amendment 234
Stavros Lambrinidis

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 4

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

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

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

Or. en

Amendment 235
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 5

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

Or. en

Amendment 236
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 5
Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

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

Amendment 237
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

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

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

Amendment 238
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 6

**Text proposed by the Commission**

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

**Amendment**

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

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

Amendment 239
Stavros Lambrinidis

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 240
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 6 a (new)

Text proposed by the Commission

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

Amendment

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

Or. fr
Justification

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

Amendment 241
Ernst Strasser

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 7

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Or. en

Amendment 242
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16
Article 14 – paragraph 7

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission.</td>
<td>7. The activities referred to in paragraphs 2 and 6 shall be subject to receiving a prior favourable opinion of the Commission. The European Parliament shall be informed in accordance with Article 218 of the Treaty on the Functioning of the European Union at all stages of any working arrangements that the Agency concludes with the authorities of third countries.</td>
</tr>
</tbody>
</table>

Or. en
Amendment 243
Sylvie Guillaume

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

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

Or. fr

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

Amendment 244
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 16 a (new)

Text proposed by the Commission Amendment
(16a) In Article 15, paragraph 1 is replaced by the following:
"The Agency shall be a body of the Union. It shall have legal personality."

Or. en
Amendment 245
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 19 a (new)
Article 19 – paragraph 1

Text proposed by the Commission

(19a) In Article 19, paragraph 1 is replaced by the following:
"1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question. All contracts shall include a human rights clause."

Amendment

Or. en

Amendment 246
Hélène Flautre, Franziska Keller on behalf of the Verts/ALE Group

Proposal for a regulation – amending act
Article 1 – point 19 b (new)
Article 19 – paragraph 3

Text proposed by the Commission

(19b) In Article 19, paragraph 3 is replaced by the following:
"3. In the case of non-contractual liability, the Agency shall be held liable and, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its servants in the performance of their duties."

Amendment

Or. en
Amendment 247
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act
Article 1 – point 20 - point a - point -i (new)
Article 20 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

Or. fr

Justification

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

Amendment 248
Ernst Strasser

Proposal for a regulation – amending act
Article 1 – point 20 – point a – point i
Article 20 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) establish the organisational structure of the Agency and adopt the Agency's staff policy, in particular the multi-annual staff
policy plan **and submit the latter**, in accordance with the relevant provisions of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, to the Commission and the budgetary authority after receiving a favourable opinion of the Commission;
common core curricula referred to in Article 5.

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

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

Or. en

Justification

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

Amendment 250
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Article 1 – point 23
Article 33 – paragraph 2 a (new)

Text proposed by the Commission

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

Amendment

deleted
Amendment 251
Anna Maria Corazza Bildt

Proposal for a regulation – amending act
Article 1 – point 23
Article 33 – paragraph 2 a (new)

**Text proposed by the Commission**

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

**Amendment**

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

Or. en

Amendment 252
Ernst Strasser

Proposal for a regulation – amending act
Article 1 – point 23
Article 33 – paragraph 2 a (new)

**Text proposed by the Commission**

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

**Amendment**

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

Or. en

Amendment 253
Sylvie Guillaume

Proposal for a regulation – amending act
Article 1 – point 23
### Regulation (EC) No 2007/2004
### Article 33 – paragraph 2 b (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2b. The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was respected pursuant to the application of the Regulation.”</td>
<td>2b. The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was respected pursuant to the application of the Regulation. <em>It shall be based, among other sources, on the observations of the independent monitors.”</em></td>
</tr>
</tbody>
</table>

### Justification

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

### Amendment 254

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

**Proposal for a regulation – amending act**

**Article 1 – point 23**


Article 33 – paragraph 2 b (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>2b. The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was respected pursuant to the application of <em>the</em> Regulation.</td>
<td>2b. The evaluation shall include a specific analysis of the way in which the <em>rights enshrined in the</em> Charter of Fundamental Rights <em>were</em> respected pursuant to the application of <em>this</em> Regulation. <em>That analysis shall be carried out in cooperation with the Fundamental Rights Agency, and include the participation of UNHCR and non-governmental organisations with relevant expertise. An annual evaluation of that analysis shall be annexed to the Agency's general report.</em></td>
</tr>
</tbody>
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