



**2018/0330(COD)**

13.11.2018

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council  
(COM(2018)0631 – C8-0406/2018 – 2018/0330(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Roberta Metsola

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

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

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

#### **Amendments by Parliament in the form of a consolidated text**

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

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

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	90



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council (COM(2018)0631 – C8-0406/2018 – 2018/0330(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0631),
  - having regard to Article 294(2) and points (b) and (d) of Article 77(2) and point (c) of Article 79(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0406/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of ...<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of ...<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

##### **Title**

*Text proposed by the Commission*

*Amendment*

Proposal for a

Proposal for a

---

<sup>1</sup> [OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal].

<sup>2</sup> [OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal].

REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

on the European Border and Coast Guard  
and repealing Council Joint Action  
n°98/700/JHA, Regulation (EU) n°  
1052/2013 of the European Parliament and  
of the Council and Regulation (EU) n°  
2016/1624 of the European Parliament and  
of the Council

*A contribution from the European  
Commission to the Leaders' meeting in  
Salzburg on 19-20 September 2018*

REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

on the European Border and Coast Guard  
and repealing Council Joint Action  
n°98/700/JHA, Regulation (EU) n°  
1052/2013 of the European Parliament and  
of the Council and Regulation (EU) n°  
2016/1624 of the European Parliament and  
of the Council

Or. en

*Justification*

*In accordance with Art. 294 TFEU, legislative proposals of the Commission, in the context of the ordinary legislative procedure, is submitted to the European Parliament and the Council.*

**Amendment 2**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) It is necessary to monitor the crossing of the external borders efficiently, address migratory challenges and potential future threats at the external borders, ensure a high level of internal security within the Union, safeguard the functioning of the Schengen area and respect the overarching principle of solidarity. That should be accompanied by the proactive management of migration, including the necessary measures in third countries. In view of what has been stated, it is necessary to consolidate the European Border and Coast Guard and to further expand the mandate of the European Border and Coast Guard Agency. The Agency should be constituted principally by a European Border and Coast Guard standing corps **consisting of 10,000**

*Amendment*

(7) It is necessary to monitor the crossing of the external borders efficiently, address migratory challenges and potential future threats at the external borders, ensure a high level of internal security within the Union, safeguard the functioning of the Schengen area and respect the overarching principle of solidarity. That should be accompanied by the proactive management of migration, including the necessary measures in third countries. In view of what has been stated, it is necessary to consolidate the European Border and Coast Guard and to further expand the mandate of the European Border and Coast Guard Agency. The Agency should be constituted principally by a European Border and Coast Guard standing corps **that includes a rapid**

*operational staff.*

*reaction pool.*

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort.*

**Amendment 3**

**Proposal for a regulation**

**Recital 8**

*Text proposed by the Commission*

(8) In order to reflect the further qualitative enhancement of its mandate, in particular by providing it with its own operational arm, the European Border and **Coast** Guard standing corps **of 10,000 operational staff**, the Agency formerly known as Frontex should from now on be referred to as and operate exclusively under the name "the European Border and Coast Guard (EBCG) Agency". This change should be reflected in all relevant instances, including its visualisation in the external communication materials.

*Amendment*

(8) In order to reflect the further qualitative enhancement of its mandate, in particular by providing it with its own operational arm, the European Border and **Coast** Guard standing corps **that includes the rapid reaction pool**, the Agency formerly known as Frontex should from now on be referred to as and operate exclusively under the name "the European Border and Coast Guard (EBCG) Agency". This change should be reflected in all relevant instances, including its visualisation in the external communication materials.

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort.*

**Amendment 4**

**Proposal for a regulation**

**Recital 41**

*Text proposed by the Commission*

(41) In cases where there is a specific and disproportionate challenge at the external borders, the Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy both teams from the European Border and Coast Guard standing corps and technical equipment, including from the Rapid Reaction Equipment Pool. Rapid border interventions should provide reinforcement for a limited period of time in situations where an immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make operational staff of the European Border and Coast Guard standing corps available to form relevant teams and provide the necessary technical equipment. The Agency and the Member State concerned should agree upon an operational plan.

*Amendment*

(41) In cases where there is a specific and disproportionate challenge at the external borders, the Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy both teams from the European Border and Coast Guard standing corps and technical equipment, including from the Rapid Reaction Equipment Pool. Rapid border interventions should provide reinforcement for a limited period of time in situations where an immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make operational staff of the European Border and Coast Guard standing corps available to form relevant teams and provide the necessary technical equipment. ***Where the crew deployed with the technical equipment of a Member State originate from that Member State, they should count as part of that Member State's contribution to the standing corps.*** The Agency and the Member State concerned should agree upon an operational plan.

Or. en

*Justification*

*It is normal practice that when Member States provide its technical equipment at the disposal of the Agency, the crew operating that same technical equipment would also be deployed. Such deployment of human resources should form part of the Member States' allocation as part of the European Border and Coast Guard standing corps.*

**Amendment 5**

**Proposal for a regulation**  
**Recital 51**



*Text proposed by the Commission*

(51) The European Border and Coast Guard standing corps should be a standing corps composed of **10,000 operational staff being** border guards, return escorts, return specialists and other relevant staff. The standing corps should be composed of **three** categories of operational staff, namely statutory staff members employed by the European Border and Coast Guard Agency, staff seconded to the Agency by the Member States for **long term** durations **and** staff provided by Member States for **short term** deployments. The European Border and Coast Guard standing corps should be deployed in the framework of border management teams, migration management support teams or return teams.

*Amendment*

(51) The European Border and Coast Guard standing corps should be a standing corps composed of border guards, return escorts, return specialists and other relevant staff. The standing corps should be composed of **four** categories of operational staff, namely statutory staff members employed by the European Border and Coast Guard Agency, staff seconded to the Agency by the Member States for **long-term** durations, staff provided by Member States for **short-term** deployments **and staff forming part of the rapid reaction pool for rapid border interventions**. The European Border and Coast Guard standing corps should be deployed in the framework of border management teams, migration management support teams or return teams.

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff.*

**Amendment 6**

**Proposal for a regulation**

**Recital 55**

*Text proposed by the Commission*

(55) The long-term development of human resources to secure the contributions of the Member States to the European and Border Guard standing corps should be supported by a financial support system. For this purpose, it is appropriate to authorise the Agency to use the award of grants to the Member States without a call

*Amendment*

(55) The long-term development of human resources to secure the contributions of the Member States to the European and Border Guard standing corps should be supported by a financial support system. For this purpose, it is appropriate to authorise the Agency to use the award of grants to the Member States without a call

for proposals under 'financing not linked to costs' in accordance with Article 125 (1) (a) of Regulation (EU, Euratom) 2018/1046. The financial support should enable Member States to hire and train additional staff to provide them with the necessary flexibility to comply with the mandatory contribution to the European and Border Guard standing corps. The dedicated financing system should strike a right balance between the risks of irregularities and fraud and costs of control. The Regulation sets the essential conditions triggering the financial support, namely the recruitment and training of the adequate number of border guards or other specialists corresponding to the number of officers seconded to the Agency for long term or the effective deployment of officers during the Agency's operational activities for at least 4 months. Given the lack of relevant and comparable data on actual costs across Member States, the development of a cost-based financing scheme would be overly complex and would not address the need for a simple, fast, efficient and effective financing scheme. For this purpose, it is appropriate to authorise the Agency to award grants to the Member States without a call for proposals in the form of 'financing not linked to costs' subject to the fulfilment of conditions in accordance with Article 125 (1) (a) of Regulation (EU, Euratom) 2018/1046. For the purpose of fixing the amount of such financing to different Member States, it is appropriate to use as as a reference amount the annual salary of contractual agent Function Group III grade 8 step 1 of the European Institutions modulated by a corrective coefficient per Member State in line with the sound financial management principle and in the spirit of equal treatment. **When implementing this financial support, the Agency and Member States shall ensure the compliance with the principles of co-financing and no double funding.**

for proposals under 'financing not linked to costs' in accordance with Article 125 (1) (a) of Regulation (EU, Euratom) 2018/1046. The financial support should enable Member States to hire and train additional staff to provide them with the necessary flexibility to comply with the mandatory contribution to the European and Border Guard standing corps. **It should be possible for the financial support to take the form of an advance payment preceding the annual payment.** The dedicated financing system should strike a right balance between the risks of irregularities and fraud and costs of control. The Regulation sets the essential conditions triggering the financial support, namely the recruitment and training of the adequate number of border guards or other specialists corresponding to the number of officers seconded to the Agency for long term or the effective deployment of officers during the Agency's operational activities for **a consecutive or non-consecutive period of at least 4 months or on a pro-rata basis for deployments for a consecutive or a non-consecutive period of less than 4 months.** Given the lack of relevant and comparable data on actual costs across Member States, the development of a cost-based financing scheme would be overly complex and would not address the need for a simple, fast, efficient and effective financing scheme. For this purpose, it is appropriate to authorise the Agency to award grants to the Member States without a call for proposals in the form of 'financing not linked to costs' subject to the fulfilment of conditions in accordance with Article 125 (1) (a) of Regulation (EU, Euratom) 2018/1046. For the purpose of fixing the amount of such financing to different Member States, it is appropriate to use as as a reference amount the annual salary of contractual agent Function Group III grade 8 step 1 of the European Institutions modulated by a corrective coefficient per Member State in line with the sound

financial management principle and in the spirit of equal treatment.

Or. en

### *Justification*

*The payment system should be flexible by providing Member States the possibility to receive advance payments before they receive the annual payment, to take into consideration non-consecutive deployments and also to provide for a pro-rata advance and annual payment for deployments of less than 4 months. Additionally, the Rapporteur believes that the deleted text should form part of the operative text of the Regulation (as part of Article 61) instead of being included as part of a Recital (Recital 55).*

## **Amendment 7**

### **Proposal for a regulation Recital 57**

#### *Text proposed by the Commission*

(57) In order to allow for the effective deployments from the European Border and Coast Guard standing corps **as of 1 January 2020**, certain decisions and implementing measures should be taken and put in place as soon as possible. In particular, by way of derogation from the normal deadline set in the Regulation, the decision of the Management Board as referred in Article 55 (4) on the profiles of the European Border and Coast Guard standing corps should be adopted within 6 weeks of the entry into force of the Regulation. This decision should be followed by the nominations of the Member States provided for in Article 56 (4) and Article 57 (1) within 12 weeks of the entry into force of the Regulation.

#### *Amendment*

(57) In order to allow for the effective deployments from the European Border and Coast Guard standing corps **in line with the deadlines laid down in Annex I**, certain decisions and implementing measures should be taken and put in place as soon as possible. In particular, by way of derogation from the normal deadline set in the Regulation, the decision of the Management Board as referred in Article 55 (4) on the profiles of the European Border and Coast Guard standing corps should be adopted within 6 weeks of the entry into force of the Regulation. This decision should be followed by the nominations of the Member States provided for in Article 56 (4) and Article 57 (1) within 12 weeks of the entry into force of the Regulation.

Or. en

### *Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this*

*Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature.*

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 58**

*Text proposed by the Commission*

(58) Also, by way of derogation from the normal deadline set in the Regulation, the decision of the Management Board on the minimum number of items of technical equipment to meet the needs of the Agency **in 2020** as referred in Article 64 (4) should be adopted within 6 weeks of the entry into force of the Regulation.

*Amendment*

(58) Also, by way of derogation from the normal deadline set in the Regulation, the decision of the Management Board on the minimum number of items of technical equipment to meet the needs of the Agency, as referred in Article 64 (4), **by each of the deadlines laid down in Annex I as regards the composition of the standing corps** should be adopted within 6 weeks of the entry into force of the Regulation.

Or. en

#### *Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature.*

## **Amendment 9**

### **Proposal for a regulation**

#### **Recital 59**

*Text proposed by the Commission*

(59) At the same time, in order to ensure the continuity of the support for operational activities organised by the Agency, all the deployments until 31 December 2019 should be planned and implemented, including under the Rapid Reaction Pool, in accordance with Articles 20, 30 and 31 of Regulation (EU) 2016/1624 and in accordance with the annual bilateral negotiations carried out in

*Amendment*

(59) At the same time, in order to ensure the continuity of the support for operational activities organised by the Agency, all the deployments until 31 December 2019 should be planned and implemented, including under the Rapid Reaction Pool, in accordance with Articles 20, 30 and 31 of Regulation (EU) 2016/1624 and in accordance with the annual bilateral negotiations carried out in

2018. To that end, these provisions should be *only* repealed *with effect from 1 January 2020*.

2018. To that end, these provisions should be only repealed *after the full establishment of the standing corps in line with the deadlines laid down in Annex I to this Regulation*.

Or. en

#### *Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature.*

### **Amendment 10**

#### **Proposal for a regulation**

##### **Recital 60**

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

(60) The Agency's workforce will consist of staff performing the tasks devoted to the Agency, either in the Headquarters, or as part of the European Border and Coast Guard standing corps. The European Border and Coast Guard standing corps may comprise statutory staff as well as staff seconded for long duration or provided for *short term* deployment by national authorities. Statutory staff within the European Border and Coast Guard standing corps will primarily be deployed as members of the teams; only a limited and clearly defined part of this staff may be recruited to perform supportive functions for the establishment of the standing corps, notably at headquarters.

###### *Amendment*

(60) The Agency's workforce will consist of staff performing the tasks devoted to the Agency, either in the Headquarters, or as part of the European Border and Coast Guard standing corps. The European Border and Coast Guard standing corps may comprise statutory staff as well as staff seconded for long duration or provided for *short-term* deployment by national authorities *and the rapid reaction pool*. Statutory staff within the European Border and Coast Guard standing corps will primarily be deployed as members of the teams; only a limited and clearly defined part of this staff may be recruited to perform supportive functions for the establishment of the standing corps, notably at headquarters.

Or. en

#### *Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid*

*border interventions which will only be utilised as a last resort.*

## **Amendment 11**

### **Proposal for a regulation**

#### **Recital 62**

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

(62) Consequently, in order to match the level of ambition underlying the establishment of the European Border and Coast Guard standing corps, the Commission earmarked a significant envelope under the 2021-2027 multiannual financial framework to allow the Agency to acquire, maintain and operate the necessary air, sea and land assets corresponding to the operational needs. While the acquisition of the necessary assets could be a lengthy process, especially for large assets, the Agency's own equipment should ultimately become the backbone of the operational deployments with additional contributions of Member States to be called upon in exceptional circumstances. The Agency's equipment should be largely operated by the Agency's technical crews being part of the European Border and Coast Guard standing corps. In order to ensure the effective use of the proposed financial resources, the process should be based on a multiannual strategy decided as early as possible by the management board.

##### *Amendment*

(62) Consequently, in order to match the level of ambition underlying the establishment of the European Border and Coast Guard standing corps, the Commission earmarked a significant envelope under the 2021-2027 multiannual financial framework to allow the Agency to acquire, maintain and operate the necessary air, sea and land assets corresponding to the operational needs. While the acquisition of the necessary assets could be a lengthy process, especially for large assets, the Agency's own equipment should ultimately become the backbone of the operational deployments with additional contributions of Member States to be called upon in exceptional circumstances. ***The crew deployed with the technical equipment of a Member State, even in exceptional circumstances, should count as part of that particular Member State's contribution to the standing corps. The*** Agency's equipment should be largely operated by the Agency's technical crews being part of the European Border and Coast Guard standing corps. In order to ensure the effective use of the proposed financial resources, the process should be based on a multiannual strategy decided as early as possible by the management board.

Or. en

##### *Justification*

*It is normal practice that when Member States provide its technical equipment at the disposal of the Agency, the crew operating that same technical equipment would also be deployed.*

*Such deployment of human resources should form part of the Member States' allocation as part of the European Border and Coast Guard standing corps.*

## **Amendment 12**

### **Proposal for a regulation**

#### **Recital 85**

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

(85) In the context of return it frequently happens that third country nationals do not hold any identification documents and do not cooperate on establishing their identity by withholding information or providing incorrect personal data. Given the particular policy need of expediency of return procedures, it is necessary for the Agency to be able to restrict certain rights of data subjects so as to prevent that the abuse of such rights may impede the proper implementation of return procedures and successful enforcement of return decisions by the Member States or prevent the Agency from performing its tasks efficiently. ***Notably, the exercise of the right to the restriction of processing may significantly delay and obstruct the performance of the return operations. Furthermore, in some cases the right of access by the data subject may jeopardise a return operation by increasing the risk of absconding should the data subject learn that the Agency is processing his or her data in the context of a planned return operation. The right to rectification, on the other hand, may increase the risk that the third country national in question will be misleading the authorities by providing incorrect data.***

##### *Amendment*

(85) In the context of return it frequently happens that third country nationals do not hold any identification documents and do not cooperate on establishing their identity by withholding information or providing incorrect personal data. Given the particular policy need of expediency of return procedures, it is necessary for the Agency to be able to restrict certain rights of data subjects so as to prevent that the abuse of such rights may impede the proper implementation of return procedures and successful enforcement of return decisions by the Member States or prevent the Agency from performing its tasks efficiently.

Or. en

##### *Justification*

*While keeping in mind the need for return procedures to be conducted swiftly, the Rapporteur*

*believes that this Recital should be less prescriptive.*

### **Amendment 13**

#### **Proposal for a regulation Recital 92 a (new)**

*Text proposed by the Commission*

*Amendment*

***(92a) Under the assumption of shared responsibility, the Agency should require that the staff that it employs, in particular the standing corps, including statutory staff deployed in operational activities, possess the same level of training, special expertise and professionalism as staff employed by the Member States. Therefore, the Agency should ascertain, by means of review and evaluation, that its statutory staff conduct themselves properly when it comes to operational activities in the field of border control and return.***

Or. en

#### *Justification*

*As part of the Agency's obligation to meet the same requirements as the Member States do, and due to the fact that border management is a shared responsibility, the Agency should have the same training requirements as imposed to the Member States.*

### **Amendment 14**

#### **Proposal for a regulation Article 2 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4 a) ‘four-tier access control model’ means the measures taken in third countries, measures with neighbouring third countries, border control measures at the external borders and measures within the area of freedom of movement ;***



*Justification*

*The four-tier access control model has been the basis of the European Integrated Border Management since its inception. Consequently, this concept should be maintained and also defined in this Regulation.*

**Amendment 15**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 16**

*Text proposed by the Commission*

(16) ‘operational staff means border guards, return escorts, return specialists and other relevant staff constituting the "European Border and Coast Guard standing corps". In accordance with the **three** categories **defined under** Article 55(1), operational staff is either employed by the European Border and Coast Guard Agency as statutory staff (category 1), seconded to the Agency by the Member States (category 2) or provided for short term deployment by the Member States (category 3). **Operational staff is to act as members of border management teams, migration management support teams or return teams having executive powers. Operational staff also includes the statutory staff responsible for the functioning of the central unit of ETIAS;**

*Amendment*

(16) ‘operational staff means border guards, return escorts, return specialists, **statutory staff responsible for the functioning of the central unit of ETIAS** and other relevant staff constituting the "European Border and Coast Guard standing corps". In accordance with the **four** categories **set out in** Article 55(1), operational staff is either employed by the European Border and Coast Guard Agency as statutory staff (category 1), seconded to the Agency by the Member States (category 2), provided for **short-term** deployment by the Member States (category 3) **or forms the rapid reaction pool for rapid border interventions (category 4).** ;

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff.*

## Amendment 16

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 24

*Text proposed by the Commission*

(24) ‘controlled centre’ means a centre, established at the request of the Member State, where relevant Union agencies *in* support *of* the host Member State *and* with participating Member States, distinguish between third-country nationals in need of international protection and those who are not in need of such protection, as well as carry out security checks and where *they* *apply* rapid procedures for international protection *and/or* return;

*Amendment*

(24) ‘controlled centre’ means a centre, established at the request of the Member State, where relevant Union agencies support the host Member State, *together* with participating Member States, *to* distinguish between third-country nationals in need of international protection and those who are not in need of such protection, *without prejudice to the competence of the national determining authority to take decisions on individual applications for international protection*, as well as *to* carry out security checks and, where *applicable*, rapid procedures for international protection or return;

Or. en

*Justification*

*The Rapporteur believes that the definition of what constitutes a controlled centre should be amended and brought more in line with the subsidiarity principle and the respect for fundamental rights.*

## Amendment 17

### Proposal for a regulation

#### Article 3 – paragraph 1 – introductory part

*Text proposed by the Commission*

European Integrated Border Management shall consist of the following components:

*Amendment*

*European Integrated Border Management is based on the principle of the four-tier access control model. The European Integrated Border Management shall consist of the following **sectoral and horizontal** components:*

Or. en

*Justification*

*The four-tier access control model has been the basis of European Integrated Border Management since its inception. Consequently, this concept should be maintained and included in the Article dealing with the European Integrated Border Management in this Regulation.*

**Amendment 18**

**Proposal for a regulation**

**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Fundamental rights, education and training, and research and innovation shall be horizontal components that are to be present in the implementation of each of the sectoral components listed in the first subparagraph.***

Or. en

*Justification*

*The Rapporteur believes that a number of horizontal components should always be the basis of all the sectoral components of European Integrated Border Management.*

**Amendment 19**

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

(1) The Commission and the European Border and Coast Guard shall ensure the effectiveness of European Integrated Border Management through a multiannual strategic policy cycle for the European Integrated Border Management.

1. The Commission and the European Border and Coast Guard shall ensure the effectiveness of European Integrated Border Management through a multiannual strategic policy cycle for the European Integrated Border Management. ***The Commission and the European Border and Coast Guard shall involve the European Parliament and the Council in ensuring the effectiveness of the European Integrated Border***

## ***Management.***

Or. en

### *Justification*

*The European Parliament and the Council, as the co-legislators, should be involved in ensuring the effectiveness of European Integrated Border Management.*

## **Amendment 20**

### **Proposal for a regulation Article 8 – paragraph 2**

#### *Text proposed by the Commission*

(2) The multiannual strategic policy for the European Integrated Border Management shall define how the challenges in the area of border management and return are to be addressed in a coherent, integrated and systematic manner.

#### *Amendment*

2. The multiannual strategic policy for the European Integrated Border Management shall define how the challenges in the area of border management and return are to be addressed in a coherent, integrated and systematic manner. ***It shall define the policy priorities and provide the strategic guidelines for a period of four years in relation to the sectoral and horizontal components set out in Article 3.***

Or. en

### *Justification*

*The Rapporteur is of the opinion that certain parts of the text should be more detailed in order to also complement the additions brought about by the other amendments tabled in this draft report.*

## **Amendment 21**

### **Proposal for a regulation Article 8 – paragraph 4**

#### *Text proposed by the Commission*

(4) Based on the strategic risk analysis for European Integrated Border Management referred to in Article 30(2),

#### *Amendment*

4. ***By ... [two months after the entry into force of this Regulation], the Commission shall present the European***

the Commission shall be empowered to adopt delegated acts in accordance with Article 118 *developing a* multiannual strategic policy for European Integrated Border Management. *That delegated act shall define policy priorities and provide the strategic guidelines for the following four years in relation to the components set out in Article 3.*

*Parliament and the Council with a draft multiannual strategic policy for the first multiannual strategic policy cycle* based on the strategic risk analysis for European Integrated Border Management referred to in Article 30(2). *Within two months of its presentation by the Commission, a meeting between the European Parliament, the Council and Commission shall be convened to discuss the draft multiannual strategic policy. Following that discussion,* the Commission shall be empowered to adopt delegated acts in accordance with Article 118 *to supplement this Regulation by setting out the* multiannual strategic policy for European Integrated Border Management.

Or. en

#### *Justification*

*The Rapporteur is of the opinion that certain parts of the text should be more detailed in order to also complement the additions brought about by the other amendments tabled in this draft report. Furthermore, the involvement of the European Parliament is deemed necessary before the Commission is tasked to adopt delegated acts to set out the multiannual strategic policy for the European Integrated Border Management.*

#### **Amendment 22**

##### **Proposal for a regulation Article 8 – paragraph 6**

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

(6) In order to implement the delegated act referred to in paragraph 4, the Member States shall establish their national strategies for integrated border management through close cooperation between all national authorities responsible for the management of borders and return. Those national strategies shall be in line with Article 3, the delegated act referred to in paragraph 4 and the technical and operational strategy referred to in paragraph 5.

###### *Amendment*

6. In order to implement the delegated act referred to in paragraph 4, the Member States shall establish their national strategies for integrated border management through close cooperation between all national authorities responsible for the management of borders and return. Those national strategies shall be in line with Article 3, the delegated act referred to in paragraph 4 and the technical and operational strategy referred to in paragraph 5. **Member States shall**

*communicate their national strategies to the Commission and to the Agency.*

Or. en

*Justification*

*This addition was deemed necessary to ensure the effectiveness of European Integrated Border Management.*

**Amendment 23**

**Proposal for a regulation  
Article 8 – paragraph 7**

*Text proposed by the Commission*

(7) Forty-two months after the adoption of the delegated act referred to in paragraph 4, the Commission shall carry out, with the support of the Agency, a thorough evaluation of its implementation. The results of the evaluation shall be taken into account for the preparation of the following cycle.

*Amendment*

7. Forty-two months after the adoption of the delegated act referred to in paragraph 4, the Commission shall carry out, with the support of the Agency, a thorough evaluation of its implementation. The results of the evaluation shall be taken into account for the preparation of the following cycle. ***The Commission shall communicate the evaluation to the European Parliament and to the Council. Member States shall provide the Commission with the necessary information in a timely manner so that it can produce the overall evaluation.***

Or. en

*Justification*

*The Commission should report back to the co-legislators on all aspects of this Regulation, including on the evaluation of the multiannual strategic policy cycle's implementation. Furthermore, the Member States should be obliged to provide the necessary information for such evaluation to take place in a timely manner.*

**Amendment 24**

**Proposal for a regulation  
Article 10 – paragraph 1 – point 9**

*Text proposed by the Commission*

*Amendment*

9. **deploy** the European Border and Coast Guard standing corps in the framework of border management teams, migration management support teams and return teams during joint operations and in rapid border interventions, return operations and return interventions;

9. **set up** the European Border and Coast Guard standing corps, **including the strengthening of the rapid reaction pool as provided for in this Regulation, and deploy it** in the framework of border management teams, migration management support teams and return teams during joint operations and in rapid border interventions, return operations and return interventions;

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. Furthermore, it is important for the Agency to be tasked to set up the European Border and Coast Guard as it is a new provision within this Regulation.*

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**11a. create an internal quality control mechanism in order to ascertain the level of training, special expertise and professionalism possessed by the Agency's staff, in particular, the statutory staff involved in border control and return;**

Or. en

*Justification*

*This amendment will ensure that the Agency's human resources are always of the highest level on all aspects of the Agency's operation.*

## Amendment 26

### Proposal for a regulation

#### Article 10 – paragraph 1 – point 21 a (new)

*Text proposed by the Commission*

*Amendment*

**21a. cooperate with the European External Action Service in order to provide it with expertise in Integrated Border Management for the purpose of planning and implementing the Common Security and Defence Policy missions that are related to border management or coast guard functions;**

Or. en

#### *Justification*

*As the EU Agency with the expertise on Integrated Border Management, the Rapporteur deems that the Agency should advise the European External Action Service when the Service plans CSDP missions that are linked to border management and coast guard functions.*

## Amendment 27

### Proposal for a regulation

#### Article 10 – paragraph 1 – point 30

*Text proposed by the Commission*

*Amendment*

30. provide, **as appropriate**, the necessary assistance for the development of a common information-sharing environment, including interoperability of systems;

30. provide the necessary assistance for the development of a common information-sharing environment, including interoperability of systems;

Or. en

#### *Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. The provision of such assistance is deemed as being required all the time and not optional.*



## Amendment 28

### Proposal for a regulation

#### Article 13 – paragraph 1

*Text proposed by the Commission*

1. Member States shall appoint a national contact point for communication with the Agency on all matters pertaining to the activities of the Agency. The national contact point shall be ***reachable at all times and ensure the timely dissemination of all information from the Agency to all the relevant authorities within the Member State concerned, in particular the members of the management board and the National Coordination Centre.***

*Amendment*

1. Member States shall appoint a national contact point for communication with the Agency on all matters pertaining to the activities of the Agency. The national contact point shall be ***appointed for administrative purposes to facilitate routine communication between the Agency and the Member States. For the purpose of ensuring the dissemination of urgent and operational information, the National Coordination Centres shall act as points of contact.***

Or. en

*Justification*

*The Rapporteur believes that the National Coordination Centres should have a more proactive role in terms of disseminating urgent and operational information rather than being on the receiving end of such information.*

## Amendment 29

### Proposal for a regulation

#### Article 18 – paragraph 1

*Text proposed by the Commission*

This Regulation establishes EUROSUR as an integrated framework for the exchange of information and for cooperation within the European Border and Coast Guard in order to improve situational awareness and to increase the reaction capability for border management ***of the Union for the purpose of detecting, preventing and combating illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants.***

*Amendment*

This Regulation establishes EUROSUR as an integrated framework for the exchange of information and for cooperation within the European Border and Coast Guard in order to improve situational awareness and to increase the reaction capability for ***the purpose of*** border management, ***including the detection, prevention*** and combating of illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants.

*Justification*

*The Rapporteur believes that a slight rewording of this paragraph would avoid any form of ambiguity about the purposes of EUROSUR.*

**Amendment 30****Proposal for a regulation  
Article 19 – paragraph 1***Text proposed by the Commission*

(1) EUROSUR shall apply to border checks at authorised border crossing points, and to the surveillance of external land, sea and air borders, including the monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants.

*Amendment*

1. EUROSUR shall apply to border checks at authorised border crossing points, and to the surveillance of external land, sea and air borders, including the monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants. ***For the purpose of migration management, EUROSUR shall also apply to the monitoring of secondary movements within the Schengen area.***

Or. en

*Justification*

*The Rapporteur is of the opinion that EUROSUR should also be involved in the monitoring of secondary movements for the purpose of migration management.*

**Amendment 31****Proposal for a regulation  
Article 29 – paragraph 2 – point c a (new)***Text proposed by the Commission**Amendment*

***(ca) monitoring of designated areas of air borders in order to detect, identify and***

*track aircraft and other forms of equipment being used for, or suspected of being used for, illegal immigration or cross-border crime;*

Or. en

*Justification*

*It is advisable for the Agency to also provide national coordination centres with additional information on the external borders of the requesting Member State and on the pre-frontier area.*

**Amendment 32**

**Proposal for a regulation  
Article 33 – paragraph 11**

*Text proposed by the Commission*

11. The results of the vulnerability assessment shall be transmitted, in accordance with Article 91, on a regular basis and at least once a year to the European Parliament, to the Council and to the Commission.

*Amendment*

11. The results of the vulnerability assessment, *, including a detailed description of the outcome of the vulnerability assessment and the status of the implementation of any previous recommendations,* shall be transmitted, in accordance with Article 91, on a regular basis and at least once a year to the European Parliament, to the Council and to the Commission.

Or. en

*Justification*

*The Rapporteur is of the opinion that certain parts of the text should be more detailed in order for any transmission of documents to the EU institutions to have the required level of information and detail in them.*

**Amendment 33**

**Proposal for a regulation  
Article 34 – paragraph 2**

*Text proposed by the Commission*

2. For the purpose referred to in paragraph 1 the Commission and the Agency shall establish the necessary arrangements to share with each other in a regular, secured and timely manner all information related to the results of vulnerability assessments and the Schengen evaluation mechanism in the area of border management. The exchange mechanism shall cover the reports of vulnerability assessments and of Schengen evaluation visits, subsequent recommendations, action plans and any updates on the implementation of the action plans provided by the Member States.

*Amendment*

2. For the purpose referred to in paragraph 1, the Commission, **together with the European Parliament, the Council** and the Agency, shall establish the necessary arrangements to share with each other in a regular, secured and timely manner all information related to the results of vulnerability assessments and the Schengen evaluation mechanism in the area of border management. The exchange mechanism shall cover the reports of vulnerability assessments and of Schengen evaluation visits, subsequent recommendations, action plans and any updates on the implementation of the action plans provided by the Member States.

Or. en

*Justification*

*The involvement of the co-legislators on the relevant aspects of this Regulation is deemed necessary.*

**Amendment 34**

**Proposal for a regulation  
Article 38 – paragraph 1**

*Text proposed by the Commission*

1. A Member State may request that the Agency launch joint operations to face **upcoming challenges**, including illegal immigration, present or future threats at its external borders or cross-border crime, or to provide increased technical and operational assistance when implementing its obligations with regard to the control of the external borders.

*Amendment*

1. A Member State may request that the Agency launch joint operations to face **emerging threats**, including illegal immigration, present or future threats at its external borders or cross-border crime, or to provide increased technical and operational assistance when implementing its obligations with regard to the control of the external borders.

Or. en

### *Justification*

*This amendment provides a minor rewording in order to better define when a Member State should request the Agency to launch joint operations.*

## **Amendment 35**

### **Proposal for a regulation Article 39 – paragraph 2**

#### *Text proposed by the Commission*

2. The executive director shall draw up an operational plan for joint operations at the external borders. The executive director and the host Member State, in consultation with the participating Member States, shall agree on the operational plan detailing the organisational and procedural aspects of the joint operation.

#### *Amendment*

2. The executive director shall draw up an operational plan for joint operations at the external borders. The executive director and the host Member State, in consultation with the participating Member States, shall agree on the operational plan detailing the organisational and procedural aspects of the joint operation. ***Participating Member States may annex their observations or reservations to the operational plan.***

Or. en

### *Justification*

*The addition better defines the way that the operational plan is drawn up especially since it will allow participating Member States to express their observations and reservations.*

## **Amendment 36**

### **Proposal for a regulation Article 39 – paragraph 3 – point d**

#### *Text proposed by the Commission*

(d) a description of the tasks, responsibilities, including with regard to the respect for fundamental rights, and special instructions for the teams, including on permissible consultation of databases and permissible service weapons, ammunition and equipment in the host Member State;

#### *Amendment*

(d) a description of the tasks, ***powers and limitations thereof***, responsibilities, including with regard to the respect for fundamental rights, and special instructions for the teams, including on permissible consultation of databases and permissible service weapons, ammunition and equipment in the host Member State;

*Justification*

*The Rapporteur is of the opinion that certain parts of the text should be more detailed in order for the operational plans to have the required level of information and detail in them.*

**Amendment 37**

**Proposal for a regulation**  
**Article 40 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8 a. If a situation arises where the measures described in paragraphs 5 and 8 of this Article are insufficient, the executive director may request from each Member State the number and profiles of additional staff to be deployed from the rapid reaction pool as provided for in Article 58a. This information shall be provided in writing to the national contact points and shall indicate the date on which the deployment is to take place. A copy of the operational plan shall also be provided to them.***

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal on how a fourth category of operational staff should be added.*

**Amendment 38**

**Proposal for a regulation**  
**Article 40 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

9. Member States shall ensure that the number and profiles of the operational staff

9. Member States shall ensure that the number and profiles of the operational staff

are immediately made available to the Agency to guarantee a complete deployment in accordance with Article 58(5) **and** (7).

are immediately made available to the Agency to guarantee a complete deployment in accordance with Article 58(5), (7) **and** (8a).

Or. en

### *Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff by linking it to the Article that details the procedure for launching a rapid border intervention..*

### **Amendment 39**

#### **Proposal for a regulation**

#### **Article 43 – paragraph 1 – subparagraph 1**

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

1. Where control of the external borders is rendered ineffective to such an extent that it risks jeopardising the functioning of the Schengen area because:

(a) a Member State does not take the necessary measures in accordance with a decision of the management board referred to in Article 33 (10); or

(b) a Member State facing specific and disproportionate challenges at the external borders has either not requested sufficient support from the Agency under Article 38, Article 40, Article 41, Article 42 or is not taking the necessary steps to implement actions under those Articles,

the Commission, ***after consulting the Agency***, may adopt without delay a decision by means of an implementing act ***in accordance with the procedure as referred to in Article 117(3)***, identifying measures to mitigate those risks to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of

##### *Amendment*

1. Where control of the external borders is rendered ineffective to such an extent that it risks jeopardising the functioning of the Schengen area because:

(a) a Member State does not take the necessary measures in accordance with a decision of the management board referred to in Article 33 (10); or

(b) a Member State facing specific and disproportionate challenges at the external borders has either not requested sufficient support from the Agency under Article 38, Article 40, Article 41, Article 42 or is not taking the necessary steps to implement actions under those Articles,

***the Council, on the basis of a proposal from*** the Commission, may adopt without delay a decision by means of an implementing act, identifying measures to mitigate those risks to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of those measures. ***The Commission shall consult***

those measures.

*the Agency before making its proposal.*

Or. en

*Justification*

*The Rapporteur believes that this paragraph should reflect the inter-institutional agreement that was reached in the first European Border and Coast Guard Regulation in 2016.*

**Amendment 40**

**Proposal for a regulation**

**Article 43 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. To mitigate the risk of putting in jeopardy the Schengen area, the **Commission** decision referred to in paragraph 1 shall provide for one or more of the following measures to be taken by the Agency:

*Amendment*

3. To mitigate the risk of putting in jeopardy the Schengen area, the **Council** decision referred to in paragraph 1 shall provide for one or more of the following measures to be taken by the Agency:

Or. en

*Justification*

*The Rapporteur believes that this paragraph should reflect the inter-institutional agreement that was reached in the first European Border and Coast Guard Regulation in 2016.*

**Amendment 41**

**Proposal for a regulation**

**Article 43 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) organise and coordinate rapid border interventions and deploy the European Border and Coast Guard standing corps;

*Amendment*

(a) organise and coordinate rapid border interventions and deploy the European Border and Coast Guard standing corps ***including teams from the rapid reaction pools for rapid border interventions;***

Or. en



### *Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort.*

## **Amendment 42**

### **Proposal for a regulation Article 46 – paragraph 2**

#### *Text proposed by the Commission*

2. Following prior approval by the Commission, the management board shall establish detailed rules, and update them as necessary, as regards the payment of the costs incurred by staff deployed for short duration in accordance with Article 58. The detailed rules shall be based to the extent possible on simplified cost options. **Where relevant**, the Management Board shall aim at ensuring coherency with the rules applicable to reimbursement of mission expenses of the statutory staff members.

#### *Amendment*

2. Following prior approval by the Commission, the management board shall establish detailed rules, and update them as necessary, as regards the payment of the costs incurred by staff deployed for short duration in accordance with Article 58. **An advance payment preceding the annual payment may be granted in accordance with Article 61.** The detailed rules shall be based to the extent possible on simplified cost options. The Management Board shall aim at ensuring coherency with the rules applicable to reimbursement of mission expenses of the statutory staff members.

Or. en

### *Justification*

*The payment system should be flexible by providing Member States the possibility to receive advance payments before they receive the annual payment.*

## **Amendment 43**

### **Proposal for a regulation Article 48 – paragraph 1**

#### *Text proposed by the Commission*

The executive director shall evaluate the results of the joint operations and rapid border interventions, pilot projects, migration management support team deployments and operational cooperation

#### *Amendment*

The executive director shall evaluate the results of the joint operations and rapid border interventions, pilot projects, migration management support team deployments and operational cooperation

with third countries. He or she shall **transmit** detailed evaluation reports within 60 days following the end of those activities to the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future activities, and shall include that analysis in the Agency's annual activity report.

with third countries. He or she shall **communicate** detailed evaluation reports within 60 days following the end of those activities to **the European Parliament, to the Council, to the Commission and to the** management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future activities, and shall include that analysis in the Agency's annual activity report.

Or. en

#### *Justification*

*The Agency should report back to the co-legislators and the Commission on all aspects of this Regulation, including on the evaluation of the results of the joint operations and rapid border interventions, pilot projects, migration management support team deployments and operational cooperation with third countries.*

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 49 – paragraph 1 – introductory part**

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

1. The Agency shall, with regard to return, and in accordance with the respect for fundamental rights **and** general principles of Union law **as well as for** international law, including refugee protection and children's rights, in particular:

###### *Amendment*

1. The Agency shall, with regard to return, and in accordance with the respect for fundamental rights, general principles of Union law **and** international law, including refugee protection, **the respect for the principle of non-refoulement** and children's rights, in particular:

Or. en

#### *Justification*

*The Rapporteur believes that the principle of non-refoulement is paramount and that this should be included wherever relevant.*

## Amendment 45

### Proposal for a regulation

#### Article 50 – paragraph 2

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

In particular, the Agency shall set up, operate and maintain a central system for processing all information and data, automatically communicated by the Member States' national return management systems, necessary for the Agency to provide technical and operational assistance in accordance with **Article 49**.

##### *Amendment*

In particular, the Agency shall set up, operate and maintain a central system for processing all information and data, automatically communicated by the Member States' national return management systems, necessary for the Agency to provide technical and operational assistance in accordance with **Articles 49, 51 and 54**.

Or. en

##### *Justification*

*The Rapporteur believes that all references to returns in this Regulation should be added to this paragraph, including return operations and return interventions.*

## Amendment 46

### Proposal for a regulation

#### Article 51 – paragraph 1

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

1. Without ***entering into the merits of*** return decisions, the Agency shall provide technical and operational assistance and ensure the coordination or the organisation of return operations, including through the chartering of aircraft for the purpose of such operations or organising returns on scheduled flights. The Agency may, on its own initiative coordinate or organise return operations.

##### *Amendment*

1. Without ***prejudice to the competences of Member States as regards issuing*** return decisions, the Agency shall provide technical and operational assistance and ensure the coordination or the organisation of return operations, including through the chartering of aircraft for the purpose of such operations or organising returns on scheduled flights. The Agency may, on its own initiative, coordinate or organise return operations.

Or. en

### *Justification*

*The minor rewording proposed by the Rapporteur takes into account the principle of subsidiarity.*

#### **Amendment 47**

##### **Proposal for a regulation**

##### **Article 51 – paragraph 6**

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

6. The executive director shall evaluate the results of the return operations **and shall transmit** every six months a detailed evaluation report covering all return operations conducted in the previous semester to the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.

###### *Amendment*

6. The executive director shall evaluate the results of the return operations **and shall communicate** every six months a detailed evaluation report covering all return operations conducted in the previous semester to **the European Parliament, to the Council, to the Commission and to** the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.

Or. en

### *Justification*

*The Agency should report back to the co-legislators and the Commission on all aspects of this Regulation, including on the results of return operations.*

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Article 54 – paragraph 2**

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

2. The Agency may also launch return interventions in third countries, based on the directions set out in the multiannual strategic policy cycle, where such third

###### *Amendment*

2. The Agency may also launch return interventions in third countries, based on the directions set out in the multiannual strategic policy cycle, where such third

country requires additional technical and operational assistance with regard to its return activities. Such intervention may consist of the deployment of return teams for the purpose of providing technical and operational assistance to return activities of the third country.

country requires additional technical and operational assistance with regard to its return activities. Such intervention may consist of the deployment of return teams for the purpose of providing technical and operational assistance to return activities of the third country. ***A third country shall only be eligible for return support, where all of the following conditions have been met:***

Or. en

#### *Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

#### **Amendment 49**

##### **Proposal for a regulation**

##### **Article 54 – paragraph 2 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a) a status agreement, accompanied by an evaluation of fundamental rights and of the respect for the principle of non-refoulement in that third country, is in place between the Agency and that third country;***

Or. en

#### *Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

#### **Amendment 50**

##### **Proposal for a regulation**

##### **Article 54 – paragraph 2 – point b (new)**

*Text proposed by the Commission*

*Amendment*

***(b) where the intention is to conduct return missions from one third country to another third country, a specific evaluation of return processes was carried out prior to the conclusion of the status agreement in order to validate the respect for fundamental rights in the third country in question;***

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

## **Amendment 51**

### **Proposal for a regulation**

#### **Article 54 – paragraph 2 – point c (new)**

*Text proposed by the Commission*

*Amendment*

***(c) the third country has acceded to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto;***

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

## **Amendment 52**

### **Proposal for a regulation**

#### **Article 54 – paragraph 2 – point d (new)**

*Text proposed by the Commission*

*Amendment*

**(d) the third country that issued the return decision is a candidate or potential candidate country for accession to the Union, or the Union is or is intending to engage in a CSDP mission with that third country;**

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

### **Amendment 53**

#### **Proposal for a regulation**

#### **Article 54 – paragraph 2 – point e (new)**

*Text proposed by the Commission*

*Amendment*

**(e) the return destination, which may refer to the third country or a region within that third country, has been deemed safe by the Office of the United Nations High Commissioner for Refugees (UNHCR).**

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

### **Amendment 54**

#### **Proposal for a regulation**

#### **Article 55 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. A European Border and Coast Guard standing corps **of 10 000 operational staff** shall be part of the Agency. This standing corps shall be composed of the following **three** categories of staff in accordance with the annual availability scheme set in Annex I:

*Amendment*

1. A European Border and Coast Guard standing corps shall be part of the Agency. This standing corps shall be composed of the following **four** categories of staff in accordance with the annual availability scheme set in Annex I:

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff.*

**Amendment 55**

**Proposal for a regulation**  
**Article 55 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(c a) Category 4: a rapid reaction pool consisting of operational staff from the Member States to be deployed for the purpose of rapid border interventions in accordance with Article 58a.**

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff.*

**Amendment 56**

**Proposal for a regulation**  
**Article 55 – paragraph 3**



*Text proposed by the Commission*

3. In accordance with Article 83, all the members of the European Border and Coast Guard standing corps shall be enabled to carry out border control or return tasks, including the tasks requiring executive powers defined in the relevant national laws or, for the staff of the Agency, in accordance with Annex II.

*Amendment*

3. In accordance with Article 83, all the members of the European Border and Coast Guard standing corps shall be enabled to carry out border control or return tasks, including the tasks requiring executive powers defined in the relevant national laws or, for the staff of the Agency, in accordance with Annex II **to this Regulation. The standing corps, including the statutory staff, shall meet the requirements for specialised training and professionalism as provided for in Article 16(1) of Regulation (EU) 2016/399.**

Or. en

*Justification*

*Training is a fundamental aspect linked to the operation of the Agency. The Rapporteur believes that the highest level of specialised training should be given to all staff, including statutory staff.*

**Amendment 57**

**Proposal for a regulation  
Article 55 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) on the numbers per specific profiles of operational staff under **each of the three** categories within the European Border and Coast Guard standing corps to form teams in the following year;

*Amendment*

(a) on the numbers per specific profiles of operational staff under categories **1 to 3** within the European Border and Coast Guard standing corps, **and category 4 in case of rapid border interventions**, to form teams in the following year;

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently*

*reflects the proposal to add a fourth category of operational staff.*

## **Amendment 58**

### **Proposal for a regulation Article 55 – paragraph 6**

*Text proposed by the Commission*

6. The Agency may recruit up to **4%** of the total number of the European Border and Coast Guard standing corps as staff having supportive functions for the establishment of the standing Corps, planning and management of its operations and for the acquisition of the Agency's own equipment.

*Amendment*

6. The Agency may recruit up to **10%** of the total number of the European Border and Coast Guard standing corps, ***taken from Category 1 staff***, as staff having supportive functions for the establishment of the standing Corps, planning and management of its operations and for the acquisition of the Agency's own equipment.

Or. en

*Justification*

*The percentage of the total number of staff having supportive functions was increased given the lower number of staff falling under the European Border and Coast Guard standing corps. Additionally, the Rapporteur also believes that the statutory staff of the Agency should be responsible to perform such supportive roles so that the long-term and short-term seconded staff from the Member States focus on the operational tasks of the Agency.*

## **Amendment 59**

### **Proposal for a regulation Article 55 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. After ... [five years after the entry into force of this Regulation], the numbers of staff set out in Annex I shall be reviewed annually provided that the standing corps has been established and is fully functional. Where necessary, the numbers of staff in categories 1, 2 and 3 may be increased or decreased by up to 30 % as long as those numbers do not go under the minimum threshold of 5 000 operational staff or do not exceed the***

*maximum threshold of 7 000 operational staff. The Commission is empowered to adopt delegated acts in accordance with Article 118 to amend this Regulation in order to adjust the numbers of staff set out in Annex I.*

Or. en

#### *Justification*

*The rapporteur believes in providing the necessary flexibility for the Commission to assess the number of operational staff that would be needed by the Agency at any given year, keeping in mind that the number of operational staff cannot go lower than the minimum threshold or higher than the maximum one linked to the European Border and Coast Guard standing corps.*

#### **Amendment 60**

##### **Proposal for a regulation Article 57 – paragraph 4**

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

4. By 30 June each year, each Member State shall nominate for secondment their operational staff in accordance with the specific numbers and profiles decided by the Management Board for the following year as referred to in Article 55(4). The Agency *may* verify whether the operational staff proposed by Member States correspond to the defined profiles and possess the necessary language skills. By 15 September, the Agency shall accept the proposed candidates or request that a Member State propose another candidate for secondment in case of incompliance with the required profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments.

###### *Amendment*

4. By 30 June each year, each Member State shall nominate for secondment their operational staff in accordance with the specific numbers and profiles decided by the Management Board for the following year as referred to in Article 55(4). The Agency *shall* verify whether the operational staff proposed by Member States correspond to the defined profiles and possess the necessary language skills. By 15 September, the Agency shall accept the proposed candidates or request that a Member State propose another candidate for secondment in case of incompliance with the required profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments.

Or. en

### *Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. The provision of such verification is deemed as being required all the time and not optional.*

## **Amendment 61**

### **Proposal for a regulation**

#### **Article 57 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. All deployments of category 2 staff shall be mandatory except for deployments of such staff to third countries where those staff's home Member State has never deployed, nor is planning on deploying, operational staff to the third country in question. In such a case, statutory staff shall replace the category 2 staff in question.**

Or. en

### *Justification*

*Deployments of long-term seconded staff should always be mandatory. However, the Rapporteur believes that an exception should be granted to deployments outside the territory of the EU when the Member State of origin has, has had or is not planning to have operation links with that particular third country.*

## **Amendment 62**

### **Proposal for a regulation**

#### **Article 58 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Agency **may** verify whether operational staff nominated for short-term deployments by Member States correspond to the defined profiles and possess the necessary language skills. The Agency may request that a Member State remove an operational staff member from the national list in case of incompliance with the required profiles, insufficient linguistic

3. The Agency **shall** verify whether operational staff nominated for short-term deployments by Member States correspond to the defined profiles and possess the necessary language skills. The Agency may request that a Member State remove an operational staff member from the national list in case of incompliance with the required profiles, insufficient linguistic

skills, misconduct or infringement of the applicable rules during previous deployments.

skills, misconduct or infringement of the applicable rules during previous deployments.

Or. en

*Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. The provision of such verification is deemed as being required all the time and not optional.*

**Amendment 63**

**Proposal for a regulation**

**Article 58 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. All deployments of category 3 staff shall be mandatory except for deployments of such staff to third countries where those staff's home Member State has never deployed, nor is planning on deploying, operational staff to the third country in question. In such a case, statutory staff shall replace the category 3 staff in question .***

Or. en

*Justification*

*Deployments of short-term seconded staff should always be mandatory. However, the Rapporteur believes that an exception should be granted to deployments outside the territory of the EU when the Member State of origin has, has had or is not planning to have operation links with that particular third country.*

**Amendment 64**

**Proposal for a regulation**

**Article 58 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 58 a***

*Member States` participation in the  
European Border and Coast Guard  
standing corps through the rapid reaction  
pool*

*1. The Member States shall place the operational staff forming part of the rapid reaction pool at the immediate disposal of the Agency (Category 4). Operational staff may be deployed as part of the rapid reaction pool from each Member State within five working days from the date on which the operational plan is agreed by the executive director and the host Member State exclusively for rapid border interventions, provided that category 1 to 3 staff required for the operation in question have already been fully deployed. For that purpose, each Member State shall, on a yearly basis, make available to the Agency a number of border guards or other relevant staff. Their profiles shall be as defined in the decision of the management board. The total number of staff made available by the Member States shall amount to 3 000 border guards or other relevant staff. The Agency shall verify whether the border guards proposed by Member States correspond to the defined profiles. The Agency may request that a Member State remove a border guard from the pool in the case of misconduct or infringement of the applicable rules.*

*2. Each Member State shall be responsible for its contribution to the number of border guards or other relevant staff, as referred to in paragraph 1, in accordance with Annex Va.*

Or. en

*Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects and substantiates the proposal to add a fourth category of operational staff.*

## Amendment 65

### Proposal for a regulation Article 59 – paragraph 1

*Text proposed by the Commission*

1. By 31 June 2024, based in particular on the reports referred to in Article 65, the Commission shall carry out a mid-term review on the functioning of European Border and Coast Guard standing corps, assessing its overall number and composition. The review shall take into account the evolution of the statutory staff for the Agency's contributions or any significant changes in the individual Member States' capabilities affecting their abilities to contribute to the standing corps.

*Amendment*

1. By 31 June 2024, based in particular on the reports referred to in Article 65 **and Article 62(8a)**, the Commission, **together with the Member States**, shall carry out a mid-term review on the functioning of **the** European Border and Coast Guard standing corps, **including the rapid reaction pool**, assessing its overall **training, specialised expertise, professionalism**, number and composition. The review shall take into account the evolution of the statutory staff for the Agency's contributions or any significant changes in the individual Member States' capabilities affecting their abilities to contribute to the standing corps.

Or. en

#### *Justification*

*Training is a fundamental aspect linked to the operation of the Agency. The Rapporteur believes that the highest level of specialised training should be given to all staff, including statutory staff, and therefore is of the opinion that such reporting should be closely associated with the quality of the training provided to all staff.*

## Amendment 66

### Proposal for a regulation Article 59 – paragraph 2

*Text proposed by the Commission*

2. This mid-term review shall be accompanied, where necessary, by appropriate proposals to amend Annexes I, III **and IV**.

*Amendment*

2. This mid-term review shall be accompanied, where necessary, by appropriate proposals to amend Annexes I, III, **IV and Va**.

*Justification*

*The Rapporteur believes that the mid-term review should also amend Annex V(a) which is linked to the contributions provided by Member States to the rapid reaction pool.*

**Amendment 67****Proposal for a regulation****Article 59 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. By ... [two years after entry into force of this Regulation], and every four years thereafter, the Commission, together with the Member States and with the assistance of the Agency, shall carry out an independent review of the level of training, specialised expertise and professionalism possessed by the staff of the European Border and Coast Guard standing corps.***

Or. en

*Justification*

*Training is a fundamental aspect linked to the operation of the Agency. The Rapporteur believes that the highest level of specialised training should be given to all staff, including statutory staff, and therefore is of the opinion that an independent review of the training provided is necessary.*

**Amendment 68****Proposal for a regulation****Article 59 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. The Commission shall communicate the results of the review referred to in paragraph 2a to the European Parliament, to the Council and to the Commission.***



*Justification*

*Given the role of the European Border and Coast Guard statutory staff and the nature of shared responsibility of the external border management, the Agency should be under the same scrutiny regarding the performance of the staff as the Member States.*

**Amendment 69****Proposal for a regulation  
Article 60 – paragraph 1***Text proposed by the Commission*

1. Subject to the agreement of the host Member State, the Agency may set up antenna offices on its territory to facilitate and improve coordination of the operational activities, including in the field of returns, organised by the Agency in that Member State or in the ***neighbouring*** region and to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be ***temporary establishments*** set up for the period of time necessary for the Agency to carry out significant operational activities in that specific Member State or the ***neighbouring*** region concerned. That period of time may be prolonged, if necessary.

*Amendment*

1. Subject to the agreement of the host Member State, the Agency may set up antenna offices on its territory to facilitate and improve coordination of the operational activities, including in the field of returns, organised by the Agency in that Member State or in the ***neighbouring*** region and to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be set up for the period of time necessary for the Agency to carry out significant operational activities in that specific Member State or the ***neighbouring*** region concerned. That period of time may be prolonged, if necessary. ***The Agency may also set up antenna offices in third countries provided that those offices operate exclusively in the field of returns.***

Or. en

*Justification*

*The Rapporteur believes that the Agency should make the best use of antenna offices. Therefore, an enlargement of the scope to the setting up of antenna offices outside of the territory of the Union, operating exclusively in the field of returns, is being proposed.*

## Amendment 70

### Proposal for a regulation Article 60 – paragraph 2

*Text proposed by the Commission*

2. The Agency and the host Member State where the antenna office is set up shall **endeavour to** make the necessary arrangements in order to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office.

*Amendment*

2. The Agency and the host Member State **or the third country** where the antenna office is set up shall make the necessary arrangements in order to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office.  
***The place of employment for the staff working in antenna offices shall be set in accordance with Article 94(2).***

Or. en

*Justification*

*The Rapporteur believes that there should be no discrimination between the staff deployed in the Agency's missions. This would also avoid the possibility of staff pushing to be deployed in one mission over another due to financial reasons.*

## Amendment 71

### Proposal for a regulation Article 60 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. *The host Member State where the antenna office is set up shall provide the Agency with assistance to ensure operational capacity.***

Or. en

*Justification*

*Member States should facilitate the setting up of the Agency's antenna offices in their territory and also to ensure operational capacity.*

## Amendment 72

### Proposal for a regulation Article 61 – paragraph 3

*Text proposed by the Commission*

3. The annual payment of the **ammount** referred to in paragraph 1(a) shall be due on condition that the Member States increase accordingly their respective overall national border guards staffing through the recruitment of new border guards and other officers in the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and verified through the vulnerability assessment in the following year. The annual payment of the **ammount** referred to in paragraph 1(b) shall be due in relation the number of border guards or other officers effectively deployed for at least 4 months in accordance with Article 58 within the limit set by Annex IV.

*Amendment*

3. The annual payment of the **amount** referred to in paragraph 1(a) shall be due on condition that the Member States increase accordingly their respective overall national border guards staffing through the recruitment of new border guards and other officers in the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and verified through the vulnerability assessment in the following year. The annual payment of the **amount** referred to in paragraph 1(b) shall be due in **full in** relation **to** the number of border guards or other officers effectively deployed for **a consecutive or non-consecutive period of** at least **4 months, or on a pro-rata basis for deployments for a consecutive or non-consecutive period of less than** 4 months in accordance with Article 58 within the limit set by Annex IV. **An advance payment linked to the annual payments of the amounts referred to in points (a) and (b) of paragraph 1 shall be granted following the submission of a specific and justified request by the contributing Member State.**

Or. en

*Justification*

*The payment system should be flexible by providing Member States the possibility to receive advance payments before they receive the annual payment, to take into consideration non-consecutive deployments and also to provide for a pro-rata advance and annual payment for deployments of less than 4 months.*

## Amendment 73

### Proposal for a regulation Article 61 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a.** *When implementing the financial support under this Article, the Agency and Member States shall ensure the compliance with the principles of co-financing and no double funding.*

Or. en

*Justification*

*The Rapporteur believes that this text should form part of the operative text of the Regulation (as part of Article 61) instead of being included as part of a Recital (Recital 55).*

## Amendment 74

### Proposal for a regulation Article 62 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The Agency shall ensure that all the staff members recruited to act as operational staff of the European Border and Coast Guard standing corps have received adequate training in relevant Union and international law, including on fundamental rights, access to international protection and, *where appropriate*, search and rescue, prior to their initial deployment in operational activities organised by the Agency. For that purpose, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their national academies. The cost of training shall be entirely covered by the Agency.

2. The Agency shall ensure that all the staff members recruited to act as operational staff of the European Border and Coast Guard standing corps have received adequate training in relevant Union and international law, including on fundamental rights, access to international protection and, ***where it is intended that they participate in maritime operations***, search and rescue prior to their initial deployment in operational activities organised by the Agency. For that purpose, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their national academies. The cost of training shall be entirely covered by the Agency.

Or. en

### *Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. The provision of search and rescue operations should be given to all the staff intending to participate in maritime operations.*

### **Amendment 75**

#### **Proposal for a regulation Article 62 – paragraph 3**

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

3. The Agency shall take the necessary initiatives to ensure that all operational staff of the Member States who participate in the teams from the European Border and Coast Guard standing corps, have received training in relevant Union and international law, including on fundamental rights, access to international protection and *where appropriate* search and rescue, prior to their participation in operational activities organised by the Agency.

##### *Amendment*

3. The Agency shall take the necessary initiatives to ensure that all operational staff of the Member States who participate in the teams from the European Border and Coast Guard standing corps, have received training in relevant Union and international law, including on fundamental rights, access to international protection and, ***where it is intended that they participate in maritime operations***, search and rescue prior to their participation in operational activities organised by the Agency. ***The training of the operational staff shall follow the common core curriculum.***

Or. en

### *Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. The provision of search and rescue operations should be given to all the staff intending to participate in maritime operations. Additionally, the Rapporteur also believes it is essential to link the training given to staff to the common core curriculum.*

### **Amendment 76**

#### **Proposal for a regulation Article 62 – paragraph 8 a (new)**

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

##### *Amendment*

***8a. The Agency shall establish and further develop a quality control***

*mechanism to ascertain the high level of training, special expertise and professionalism of all its staff as well as the operational staff of the Member States who participate in the teams from European Border and Coast Guard standing corps. The Agency shall prepare an annual evaluation report on the basis of the implementation of the quality control mechanism. The Agency shall communicate the annual evaluation report to the European Parliament, to the Council and to the Commission.*

Or. en

#### *Justification*

*Training is a fundamental aspect linked to the operation of the Agency. The Rapporteur believes that the highest level of specialised training should be given to all staff, including statutory staff. The Agency should also report back to the co-legislators and the Commission on all aspects of this Regulation, including on the evaluation of the quality control mechanism.*

#### **Amendment 77**

##### **Proposal for a regulation**

##### **Article 63 – paragraph 2 – subparagraph 1**

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

Based on a proposal of the executive director after receiving the positive opinion of the Commission, the management board shall establish a comprehensive multiannual strategy on how the Agency's own technical capabilities *shall* be developed taking into account *the multiannual strategic policy cycle for the European Integrated Border Management including the capability roadmap referred to in Article 9(4) as available and* the budgetary resources made available for this purpose in the multiannual financial framework.

###### *Amendment*

Based on a proposal of the executive director after receiving the positive opinion of the Commission *and on the multiannual strategic policy cycle for the European Integrated Border Management including the capability roadmap referred to in Article 9(4) as available and on the budgetary resources made available for this purpose in the multiannual financial framework*, the management board shall establish a comprehensive multiannual strategy on how the Agency's own technical capabilities *are to* be developed taking into account the budgetary resources made available for this purpose in the multiannual financial framework.

*Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. The development of the Agency's own technical equipment should always be based on the multiannual strategic cycle.*

**Amendment 78****Proposal for a regulation  
Article 63 – paragraph 6***Text proposed by the Commission*

6. Where the Agency does not have the required qualified statutory staff, 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. In such case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not invoke the exceptional situation referred to in Article 64(8).

*Amendment*

6. Where the Agency does not have the required qualified statutory staff, 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. ***Where the Member State of registration offers the necessary experts and technical crew, they should count as part of the contribution of that particular Member State to the standing corps.*** In such case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not invoke the exceptional situation referred to in Article 64(8). ***When requesting a Member State to provide technical equipment and operational staff, the Agency shall take into account the particular operational challenges facing that Member State at the time of the request.***

Or. en

*Justification*

*It is normal practice that when Member States provide its technical equipment at the disposal of the Agency, the crew operating that same technical equipment would also be deployed. Such deployment of human resources should form part of the Member States' allocation as part of the European Border and Coast Guard standing corps. The Agency should also take*

*into consideration the particular operational challenges being faced by Member States when requesting them to provide the Agency with their own technical equipment.*

## **Amendment 79**

### **Proposal for a regulation**

#### **Article 65 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool, ***with special reference to***

*Amendment*

(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool;

Or. en

*Justification*

*The deletion of unnecessary text was deemed required by the Rapporteur.*

## **Amendment 80**

### **Proposal for a regulation**

#### **Article 69 – paragraph 1 – subparagraph 2 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(ka) the Office of the UNHCR for the purpose of return operations in third countries.***

Or. en

*Justification*

*The Rapporteur deemed this addition necessary following the addition of UNHCR in Article 54 – paragraph 2 – point e (new) as part of one of the fundamental rights safeguards that the Rapporteur introduced for third countries to be eligible for return support.*

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 72 – paragraph 2 a (new)**



*Text proposed by the Commission*

*Amendment*

**2a. The Commission, together with the European External Action Service, shall assess the situation in a third country, including its respect for fundamental rights, prior to any activity of the Agency in or with that third country and prior to commencing the negotiation of any agreement or arrangement with that third country under this Regulation.**

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to the Agency cooperating with third countries should be ensured. The proposed assessment by the Commission and the European External Action Service provides this necessary safeguard.*

## **Amendment 82**

### **Proposal for a regulation Article 72 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Agency and Member States shall comply with Union law, including norms and standards which form part of the Union acquis, also when cooperation with third countries takes place on the territory of those countries.

3. The Agency and Member States shall comply with Union law, including norms and standards which form part of the Union acquis, also when cooperation with third countries takes place on the territory of those countries. ***The establishment of cooperation with third countries shall serve to promote European Integrated Border Management and return standards.***

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to the Agency cooperating with third countries should be ensured. The additional detail on the type of cooperation that should be pursued by the Agency provides this necessary safeguard.*

## Amendment 83

### Proposal for a regulation

#### Article 74 – paragraph 3

*Text proposed by the Commission*

3. In circumstances requiring the deployment of border management and return teams from the European Border and Coast Guard standing corps to a third country where the team members will exert executive powers, a status agreement shall be concluded by the Union with the third country concerned. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams. The status agreement shall ensure the full respect of fundamental rights during these operations.

*Amendment*

3. In circumstances requiring the deployment of border management and return teams from the European Border and Coast Guard standing corps to a third country where the team members will exert executive powers, a status agreement, ***drawn up on the basis of the model status agreement referred to in Article 77(1a)***, shall be concluded by the Union with the third country concerned. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams. The status agreement shall ensure the full respect of fundamental rights during these operations. ***Where the deployment of border management and return teams from the European Border and Coast Guard standing corps requires support in the form of return operations from one third country to another third country, the Agency shall conduct a country-specific evaluation as referred to in point (b) of Article 54(2).***

Or. en

#### *Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions. Additionally, the model status agreement, as drawn up by the Commission, should be the basis of any agreement reached by the Agency with a third country.*

## Amendment 84

### Proposal for a regulation

#### Article 74 – paragraph 7

*Text proposed by the Commission*

7. The Agency shall inform the European Parliament of activities conducted pursuant to this Article.

*Amendment*

7. The Agency shall inform the European Parliament of activities conducted pursuant to this Article ***and, in particular, of the activities related to the technical and operational assistance in the field of border management and return in third countries, the exchange of sensitive non-classified information with third countries and the deployment of liaison officers.***

Or. en

*Justification*

*The Rapporteur is of the opinion that certain parts of the text should be more detailed in order for any reporting back to the European Parliament to have the required level of information and detail in them.*

## Amendment 85

### Proposal for a regulation

#### Article 75 – paragraph 4

*Text proposed by the Commission*

4. The Agency may provide assistance to return activities of third countries and ensure the coordination or the organisation of return operations, during which a number of returnees are returned from this third country to another third country. Such return operations may be organised with participation of one or more Member States ('mixed return operations') or as national return operations, in particular when this is justified by the priorities of the irregular migration policy of the Union. The participating Member States and the Agency shall ensure that the respect of fundamental rights and the proportionate

*Amendment*

4. ***Where the conditions laid down in Article 54(2) have been met,*** the Agency may provide assistance to return activities of third countries and ensure the coordination or the organisation of return operations, during which a number of returnees are returned from this third country to another third country. Such return operations may be organised with participation of one or more Member States ('mixed return operations') or as national return operations, in particular when this is justified by the priorities of the irregular migration policy of the Union. The participating Member States and the

use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.

Agency shall ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.

Or. en

#### *Justification*

*The Rapporteur believes that the necessary safeguards linked to return interventions in third countries should be ensured. The proposed fundamental safeguards, taken in their totality, will ensure that the Agency is not involved in questionable return interventions.*

#### **Amendment 86**

##### **Proposal for a regulation Article 77 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The Commission shall negotiate the status agreement referred to in Article 74 (3) in accordance with Article 218(3) TFEU.**

**deleted**

Or. en

#### *Justification*

*The Rapporteur believes that this paragraph is redundant considering Article 218 TFEU always applies in such cases.*

#### **Amendment 87**

##### **Proposal for a regulation Article 77 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Commission shall draw up a model status agreement, which shall include the framework for the fundamental rights evaluation referred to**

*in point (a) of Article 54(2), for actions conducted on the territory of third countries.*

Or. en

*Justification*

*The drawing up of a model status agreement, that is linked to an evaluation of fundamental rights, should precede and be the basis of any agreement reached by the Agency with a third country.*

**Amendment 88**

**Proposal for a regulation  
Article 77 – paragraph 6**

*Text proposed by the Commission*

6. Before any working arrangements with third parties or third countries are concluded, the Agency shall notify them to the Commission, **which** shall give its **prior** approval. Once working arrangements are concluded, the Agency shall notify them to the Commission, which shall inform the European Parliament and the Council thereof.

*Amendment*

6. Before any working arrangements with third parties or third countries are concluded, the Agency shall notify them to **the European Parliament, to the Council and to the Commission. The Commission** shall give its approval **prior to the conclusion of such arrangements**. Once working arrangements are concluded, the Agency shall notify them to the Commission, which shall inform the European Parliament and the Council thereof.

Or. en

*Justification*

*The Rapporteur believes that the co-legislators should also be required to approve any work arrangements with third parties or third countries that the Agency concludes.*

**Amendment 89**

**Proposal for a regulation  
Chapter III a (new) – title**

*Text proposed by the Commission*

*Amendment*

***Chapter IIIa***

***Joint parliamentary scrutiny***

Or. en

*Justification*

*The Rapporteur is of the opinion that a strong parliamentary scrutiny, both at a European and national level similar to what has been put in place for Europol, should also apply for the European Border and Coast Guard.*

**Amendment 90**

**Proposal for a regulation**

**Article 80 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 80 a***

***Joint parliamentary scrutiny***

***1. In order to ensure parliamentary oversight of the Agency and to take into account the objective of shared responsibility at both the Union and national levels, as outlined in Article 7, the scrutiny functions attributed to the European Parliament by this Regulation shall be complemented by scrutiny exercised by a Joint Parliamentary Scrutiny Group (JPSG) established jointly by the national parliaments and the competent committee of the European Parliament.***

***2. The organisation and rules of procedure of the JPSG shall be determined jointly by the European Parliament and the national parliaments in accordance with Article 9 of Protocol No 1 on the role of national parliaments in the European Union, annexed to the TEU and to the TFEU. The rules of procedure shall contain provisions***

*regarding the treatment of classified information and sensitive non-classified information in accordance with Article 91 of this Regulation. Members of the JPSG shall be chosen by their respective parliaments on the basis of their expertise on border management and the Agency. The European Parliament shall provide the secretariat of the JPSG.*

*3. The JPSG shall politically monitor the fulfilment by the Agency of its tasks and the fulfilment by the Member States of their responsibilities under this Regulation.*

*For the purposes of the first subparagraph:*

*(a) the chairperson of the management board and the executive director shall appear before the JPSG at its request to discuss matters relating to the activities referred to in the first subparagraph;*

*(b) the Member State holding the Presidency of the Council of the European Union at the time of the meeting of the JPSG shall appear before the JPSG at its request to discuss matters relating to the activities referred to in the first subparagraph; where that Member State does not participate in the European Border and Coast Guard, the responsibility shall be taken up by the first Member State to both hold a subsequent Presidency and participate in the European Border and Coast Guard;*

*(c) the JPSG may decide to invite other relevant persons to its meetings, such as a representative of the consultative forum and the fundamental rights officer, to discuss general matters relating to the protection of fundamental rights.*

*4. The Agency shall transmit all the documents that it transmits to the European Parliament to the JPSG. Member States shall inform the JPSG, on an annual basis, about the fulfilment of their responsibilities under this*

***Regulation.***

***Subject to Regulation (EC) No 1049/2001, the Agency shall provide the JPSG with any other document, upon its request, provided that the document is necessary for the fulfilment of its tasks relating to the political monitoring of the Agency's activities.***

***The Member States shall provide the JPSG with any further information it requests taking into account their obligations regarding discretion and confidentiality.***

***5. The JPSG may draw up summary conclusions on the political monitoring of the European Border and Coast Guard and submit those conclusions to the European Parliament and to the national parliaments. The European Parliament shall forward those conclusions, for information purposes, to the Council, to the Commission and to the Agency.***

Or. en

***Justification***

*The Rapporteur is of the opinion that a strong parliamentary scrutiny, both at a European and national level similar to what has been put in place for Europol, should also apply for the European Border and Coast Guard.*

**Amendment 91**

**Proposal for a regulation**

**Article 83 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. When establishing an operational plan, the host Member State may limit the executive powers of the members of the teams in accordance with national law or operating procedures during operations. The specific executive powers which the members of the teams may exercise shall be presented in an operational plan as***



*provided for in Article 39.*

Or. en

*Justification*

*The Rapporteur is of the opinion that the host Member State should decide on what kind of executive powers the team members will be able to have. Thus, the executive powers granted to statutory staff (Category 1) in Annex II of this Regulation are not directly applicable.*

**Amendment 92**

**Proposal for a regulation**

**Article 83 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

Members of the teams deployed from the Agency's statutory operational staff or deployed following secondment for a long-term duration to the Agency by the Member States shall wear, *where appropriate*, the uniform of the European Border and Coast Guard standing corps while performing their tasks and exercising their powers. Members of the teams deployed from Member States for a short duration shall wear, where appropriate, their own uniform while performing their tasks and exercising their powers.

*Amendment*

Members of the teams deployed from the Agency's statutory operational staff or deployed following secondment for a long-term duration to the Agency by the Member States shall wear the uniform of the European Border and Coast Guard standing corps while performing their tasks and exercising their powers. Members of the teams deployed from Member States for a short duration shall wear, where appropriate, their own uniform while performing their tasks and exercising their powers.

Or. en

*Justification*

*The Rapporteur is always of the opinion of removing any possible loopholes in legislation. To this end, uniforms should be worn at all times by all statutory operational staff and long-term seconded staff.*

**Amendment 93**

**Proposal for a regulation**

**Article 90 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall keep logs of all exchanges of information and personal data for the purposes of monitoring the lawfulness of data processing and ensuring compliance with this Regulation. The logs shall show, in particular, the date, the name of the third country and the type of information shared.**

Or. en

*Justification*

*The Rapporteur believes that this amendment will further ensure that EUROSUR respects fundamental rights.*

#### **Amendment 94**

##### **Proposal for a regulation Article 91 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The security rules shall be adopted by the Management Board **following approval by the Commission.**

2. The security rules shall be adopted by the Management Board.

Or. en

*Justification*

*The Rapporteur is of the opinion that the Commission should not be involved in the approval of internal rules of the Agency.*

#### **Amendment 95**

##### **Proposal for a regulation Article 91 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Classification shall not preclude

3. Classification shall not preclude

PE630.451v01-00

66/93

PR\1168594EN.docx

information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall **be approved by** the Commission .

information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall **comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.**

Or. en

#### *Justification*

*The Rapporteur believes that that this paragraph should reflect the inter-institutional agreement that was reached in the first European Border and Coast Guard Regulation in 2016. There is no need to change Article 50(3) of the current Regulation especially since an agreement between the European Parliament and the Agency has already been concluded.*

#### **Amendment 96**

##### **Proposal for a regulation**

##### **Article 94 – paragraph 4 – subparagraph 1**

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

The Management Board may grant a monthly differential payment to Agency statutory staff members. This differential payment shall be calculated as a percentage of the remuneration of each staff member concerned. That percentage shall not exceed the difference between 100% and the correction coefficient applicable in the place of employment and shall regularly be reviewed. ***Before granting this benefit, due account shall be taken of the overall remuneration received by individual staff members, including reimbursements of mission expenses.***

###### *Amendment*

The Management Board may grant a monthly differential payment to Agency statutory staff members ***when faced with difficulties in achieving its mission and tasks as set out in this Regulation.*** This differential payment shall be calculated as a percentage of the remuneration of each staff member concerned. That percentage shall not exceed the difference between 100% and the correction coefficient applicable in the place of employment and shall regularly be reviewed.

Or. en

### *Justification*

*The Rapporteur is of the opinion that such exceptional measures should only be put in place when the Agency is faced with problems in recruiting the required staff linked to the obligations specified in this Regulation, such as the setting up of the European Border and Coast Guard standing corps. Furthermore, there should be no discrimination between staff members employed with the Agency. The basic pay and bonuses should be the same for all staff.*

### **Amendment 97**

#### **Proposal for a regulation**

#### **Article 96 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Agency shall be liable for any activities it has undertaken in accordance with this Regulation.**

Or. en

### *Justification*

*The Rapporteur is of the opinion that the increase in the tasks and responsibilities of the Agency should be corresponded with an increase in the liability of the same Agency.*

### **Amendment 98**

#### **Proposal for a regulation**

#### **Article 98 – paragraph 2 – subparagraph 1 – point bb**

*Text proposed by the Commission*

*Amendment*

(bb) adopt, **after the prior approval of the Commission**, the security rules of the Agency on protecting EU classified information and sensitive non-classified information as referred to in Article 91;

(bb) adopt the security rules of the Agency on protecting EU classified information and sensitive non-classified information as referred to in Article 91;

Or. en

### *Justification*

*The Rapporteur is of the opinion that the Commission should not be involved in the approval of internal rules of the Agency.*

## Amendment 99

### Proposal for a regulation Article 99 – paragraph 2

*Text proposed by the Commission*

2. The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return and their relevant managerial, administrative and budgetary skills. Member States and the Commission shall aim to achieve a gender balanced representation on the management board.

*Amendment*

2. The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return, ***their appreciation of the political climate of their Member State or associated country of origin in the field of the Agency's operations*** and their relevant managerial, administrative and budgetary skills. Member States and the Commission shall aim to achieve a gender balanced representation on the management board.

Or. en

*Justification*

*The Rapporteur deems it important that all the members appointed to the Agency's Management Board by the individual EU Member States or associated countries are aware of their country's position on all aspects of the Agency's operation.*

## Amendment 100

### Proposal for a regulation Article 104 – paragraph 2

*Text proposed by the Commission*

2. The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other

*Amendment*

2. The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting ***on the activities of the Agency***, on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's

matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested **and** report **to it** regularly.

multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested, **and answer any question put forward by a Member of the European Parliament in writing within 15 calendar days. The executive director shall** report regularly **to the European Parliament.**

Or. en

#### *Justification*

*The Rapporteur believes that more details and obligations should be added to this paragraph to strengthen the Agency's Executive Director relations with the European Parliament.*

#### **Amendment 101**

##### **Proposal for a regulation**

##### **Article 105 – paragraph 2 – subparagraph 1**

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

The executive director shall be appointed by the management board on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return, on the proposal from the Commission referred to in paragraph 1. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.

###### *Amendment*

The executive director shall be appointed by the management board on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return **and after demonstrating a thorough appreciation of the operations of the Agency**, on the proposal from the Commission referred to in paragraph 1. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.

Or. en

### *Justification*

*It is important for the Executive Director that is appointed by the Agency's Management Board to demonstrate a high level of knowledge on the operations of the Agency.*

## **Amendment 102**

### **Proposal for a regulation**

#### **Article 105 – paragraph 2 – subparagraph 4**

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

If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.

##### *Amendment*

If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account. ***Additionally, that decision by the management board shall be taken by a two-thirds majority of all members with a right to vote. The outgoing executive director shall remain in office until the management board appoints his or her replacement in accordance with this paragraph.***

Or. en

### *Justification*

*For continuity purposes, it is important that there is always an Executive Director in place at any given time, including when it is time to appoint a new Executive Director. This will ensure stability and leadership to the Agency. Furthermore, the Regulation should include a higher majority by the Agency's Management Board in the case that the European Parliament's opinion is not taken into account.*

## **Amendment 103**

### **Proposal for a regulation**

#### **Article 105 – paragraph 4 – subparagraph 1**

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

The deputy executive directors shall be

##### *Amendment*

The deputy executive directors shall be

appointed by the management board on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of management of the external borders and return, ***on the proposals from the Commission referred to in paragraph 1***, after ***having consulted*** the executive director. The management board shall take its decision by a two-thirds majority of all members with a right to vote.

appointed by the management board ***on the proposal of the executive director. The deputy executive directors shall be appointed*** on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of management of the external borders and return ***and after demonstrating a thorough appreciation of the operations of the Agency.*** The executive director ***shall propose at least three candidates for the post of each deputy executive director.*** The management board shall take its decision by a two-thirds majority of all members with a right to vote. ***The outgoing deputy executive directors shall remain in office until the management board appoints their replacement in accordance with this paragraph.***

Or. en

#### *Justification*

*It is important for the Deputy Executive Directors that are appointed by the Agency's Management Board to demonstrate a high level of knowledge on the operations of the Agency. Furthermore, for continuity purposes, it is important that there are always Deputy Executive Directors in place at any given time, including when it is time to appoint new Deputy Executive Directors. This will ensure stability and leadership to the Agency.*

#### **Amendment 104**

##### **Proposal for a regulation Article 107 – paragraph 2**

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

2. The fundamental rights officer shall be independent in the performance of his or her duties. He or she shall report directly to the management board and cooperate with the consultative forum. The fundamental rights officer shall ***so*** report on ***a regular basis and as such contribute to the mechanism for monitoring*** fundamental rights.

###### *Amendment*

2. ***Special rules applicable to*** the fundamental rights officer shall be ***laid down by the Agency in order to guarantee that the fundamental rights officer is*** independent in the performance of his or her duties. He or she shall report directly to the management board and cooperate with the consultative forum. The fundamental rights officer shall ***publish an annual***



report on *his or her activities and the respect of fundamental rights by the Agency. That report shall include information on the complaints mechanism and the implementation of the fundamental rights strategy.*

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to the respect for fundamental rights by the Agency should be further strengthened.*

**Amendment 105**

**Proposal for a regulation  
Article 107 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The fundamental rights officer shall have administrative autonomy and adequate resources and staff at his or her disposal, corresponding to the mandate and the size of the Agency.**

Or. en

*Justification*

*The Rapporteur believes that the necessary safeguards linked to the respect for fundamental rights by the Agency should be further strengthened.*

**Amendment 106**

**Proposal for a regulation  
Article 108 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

7. If a complaint is registered that concerns a team member of a host Member State or a team member from other participating Member States, including a seconded member of the teams or seconded

7. If a complaint is registered that concerns a team member of a host Member State or a team member from other participating Member States, including a seconded member of the teams or seconded

national expert, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer as to the findings and follow-up made in response to the complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-up the matter if no report is received from the relevant Member State.

national expert, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer as to the findings and follow-up made in response to the complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-up the matter if no report is received from the relevant Member State. ***In such a case, the fundamental rights officer shall inform the relevant authority or body competent for fundamental rights in a Member State as referred to in paragraph 4.***

Or. en

#### *Justification*

*The Rapporteur believes that the necessary safeguards linked to the respect for fundamental rights by the Agency should be further strengthened.*

#### **Amendment 107**

##### **Proposal for a regulation**

##### **Article 116 – paragraph 4 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***As part of the evaluation referred to in paragraph 1, the Commission shall provide an overall evaluation of the Agency in light of its operational performance in the field of external border management and, in particular, in carrying out border control and return tasks on behalf of the Member States or a third country.***

Or. en

### *Justification*

*As part of the Agency's obligation to meet the same requirements as the Member States do, and due to the fact that border management is a shared responsibility, the Agency should be evaluated in light of the same requirements imposed to the Member States.*

## **Amendment 108**

### **Proposal for a regulation Article 118 – paragraph 2**

#### *Text proposed by the Commission*

2. The power to adopt delegated acts referred to in **Article 8 (4)** shall be conferred on the Commission for an undetermined period of time from [the date of entry into force of this Regulation].

#### *Amendment*

2. The power to adopt delegated acts referred to in **Articles 8(4) and 55(6a)** shall be conferred on the Commission for an undetermined period of time from [the date of entry into force of this Regulation].

Or. en

### *Justification*

*This addition is necessary due to the new obligation introduced by the Rapporteur that the Commission adopts a delegated act on the annual review of the staff allocated to the European Border and Coast Guard standing corps once the latter standing corps is set up.*

## **Amendment 109**

### **Proposal for a regulation Article 118 – paragraph 3**

#### *Text proposed by the Commission*

3. The delegation of power referred to in **Article 8 (4)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

#### *Amendment*

3. The delegation of power referred to in **Articles 8(4) and 55(6a)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

### *Justification*

*This addition is necessary due to the new obligation introduced by the Rapporteur that the Commission adopts a delegated act on the annual review of the staff allocated to the European Border and Coast Guard standing corps once the latter standing corps is set up.*

#### **Amendment 110**

##### **Proposal for a regulation Article 118 – paragraph 6**

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

6. A delegated act adopted pursuant to **Article 8(4)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

###### *Amendment*

6. A delegated act adopted pursuant to **Articles 8(4) and 55(6a)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

### *Justification*

*This addition is necessary due to the new obligation introduced by the Rapporteur that the Commission adopts a delegated act on the annual review of the staff allocated to the European Border and Coast Guard standing corps once the latter standing corps is set up.*

#### **Amendment 111**

##### **Proposal for a regulation Article 119 – paragraph 2**

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

2. Regulation (EU) 2016/1624 is repealed with the exception of Articles 20, 30 and 31 thereof which are repealed with effect from **1 January 2020**.

###### *Amendment*

2. Regulation (EU) 2016/1624 is repealed with the exception of Articles 20, **29**, 30 and 31 thereof which are repealed with effect from **the full establishment of the standing corps in line with the**

***deadlines laid down in Annex I to this Regulation.***

Or. en

*Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature. Consequently, the corresponding provisions in the current Regulation would have to be repealed at a later stage.*

**Amendment 112**

**Proposal for a regulation  
Article 119 – paragraph 3**

*Text proposed by the Commission*

3. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system referred to in Article 80, to be decided by an implementing act adopted in accordance with the procedures referred to in the Article 117.

*Amendment*

3. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system referred to in Article 80, to be decided by an implementing act adopted ***by ... [one year after the entry into force of this Regulation]*** in accordance with the procedures referred to in the Article 117.

Or. en

*Justification*

*The Rapporteur believes that there should be a deadline set for the Commission to decide on the implementing act linked to Article 80 of this Regulation.*

**Amendment 113**

**Proposal for a regulation  
Article 120 – paragraph 5**

*Text proposed by the Commission*

5. Deployments in accordance with ***Article 55 to 58*** shall take place as ***of 1 January 2020***.

*Amendment*

5. Deployments in accordance with ***Articles 55 to 58a*** shall take place as ***soon as the first operational staff are recruited or seconded to the Agency in line with the***

***deadlines laid down in Annex I to this Regulation.***

Or. en

*Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature. Consequently, the deployments would have to take place at a later stage.*

**Amendment 114**

**Proposal for a regulation  
Annex I – title**

*Text proposed by the Commission*

Composition of the European Border and Coast Guard standing corps per year and category in accordance with **Article XX**

*Amendment*

Composition of the European Border and Coast Guard standing corps per year and category in accordance with **Articles 55 to 58a.**

Or. en

**Amendment 115**

**Proposal for a regulation  
Annex I – table**

*Text proposed by the Commission*

Category Year	Category 1 Agency Staff	Category 2 Operational staff for long term secondments	Category 3 Operational staff for short term deployments	Total for the European Border and Coast Guard standing Corps
<b>2020</b>	<b>1500</b>	<b>1500</b>	<b>7000</b>	<b>10000</b>
<b>2021</b>	<b>2000</b>	<b>2000</b>	<b>6000</b>	<b>10000</b>
<b>2022</b>	<b>2000</b>	<b>2000</b>	<b>6000</b>	<b>10000</b>

<b>2023</b>	<b>2500</b>	<b>2500</b>	<b>5000</b>	<b>10000</b>
<b>2024</b>	<b>2500</b>	<b>2500</b>	<b>5000</b>	<b>10000</b>
<b>2025</b>	<b>3000</b>	<b>3000</b>	<b>4000</b>	<b>10000</b>
<b>2026</b>	<b>3000</b>	<b>3000</b>	<b>4000</b>	<b>10000</b>
<b>2027</b>	<b>3000</b>	<b>3000</b>	<b>4000</b>	<b>10000</b>

*Amendment*

Category Year	Category 1 Agency staff	Category 2 Operational staff for long-term secondments	Category 3 Operational staff for short-term deployments	Category 4 Rapid reaction pool	Total for the European Border and Coast Guard standing corps
<i>[Year of Entry into Force +2]</i>	<b>750</b>	<b>750</b>	<b>2.000</b>	<b>3.000</b>	<b>6.500</b>
<i>[Year of Entry into Force +3]</i>	<b>1.000</b>	<b>1.150</b>	<b>2.350</b>	<b>3.000</b>	<b>7.500</b>
<i>[Year of Entry into Force +4]</i>	<b>1.250</b>	<b>1.500</b>	<b>2.750</b>	<b>3.000</b>	<b>8.500</b>
<i>[Year of Entry into Force +5]</i>	<b>1.500</b>	<b>2.000</b>	<b>3.500</b>	<b>3.000</b>	<b>10.000</b>

Or. en

### *Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature.*

#### **Amendment 116**

##### **Proposal for a regulation Annex II – point 5**

*Text proposed by the Commission*

*Amendment*

**5. issuing or refusing of visas at the border in accordance with Article 35 of the Visa Code and introduce the relevant data in VIS;** **deleted**

Or. en

### *Justification*

*The Rapporteur believes that this is an exclusive competence of the Member States. Consequently, this task can only be assigned to national border guards in line with the principle of subsidiarity, even in light of the safeguard introduced by the Rapporteur in Article 83 – paragraph 3 a (new) that gives the possibility to host Member States to limit the executive powers of the team members to national law or operating procedures during operations.*

#### **Amendment 117**

##### **Proposal for a regulation Annex III – table**

*Text proposed by the Commission*

Country / Year	2020	2021	2022	2023	2024	2025	2026	2027
Belgium	30	40	40	50	50	60	60	60
Bulgaria	40	53	53	67	67	80	80	80
Czech Republic	20	27	27	33	33	40	40	40
Denmark	29	39	39	48	48	58	58	58
Germany	225	298	298	377	377	450	450	450
Estonia	18	24	24	30	30	36	36	36



Greece	50	67	67	83	83	100	100	100
Spain	111	148	148	185	185	222	222	222
France	170	225	225	285	285	340	340	340
Croatia	65	87	87	108	108	130	130	130
Italy	125	167	167	208	208	250	250	250
Cyprus	8	11	11	13	13	16	16	16
Latvia	30	40	40	50	50	60	60	60
Lithuania	39	52	52	65	65	78	78	78
Luxembourg	8	11	11	13	13	16	16	16
Hungary	65	87	87	108	108	130	130	130
Malta	6	8	8	10	10	12	12	12
Netherlands	50	67	67	83	83	100	100	100
Austria	34	45	45	57	57	68	68	68
Poland	100	133	133	167	167	200	200	200
Portugal	47	63	63	78	78	94	94	94
Romania	75	100	100	125	125	150	150	150
Slovenia	35	47	47	58	58	70	70	70
Slovakia	35	47	47	58	58	70	70	70
Finland	30	40	40	50	50	60	60	60
Sweden	17	23	23	28	28	34	34	34
[Switzerland]	16	21	21	27	27	32	32	32
[Iceland]	2	3	3	3	3	4	4	4
[Liechtenstein ]*	0	0	0	0	0	0	0	0
[Norway]	20	27	27	33	33	40	40	40
<b>TOTAL</b>	<b>1500</b>	<b>2000</b>	<b>2000</b>	<b>2500</b>	<b>2500</b>	<b>3000</b>	<b>3000</b>	<b>3000</b>

(\*) Liechtenstein will contribute through proportional financial support

### *Amendment*

Country / Year	<i>[Year of Entry into Force +2]</i>	<i>[Year of Entry into Force +3]</i>	<i>[Year of Entry into Force +4]</i>	<i>[Year of Entry into Force +5]</i>
Belgium	15	23	30	40
Bulgaria	20	31	40	53
Czech Republic	10	15	20	27
Denmark	14	22	29	39
Germany	113	173	225	298
Estonia	9	14	18	24
Greece	25	38	50	67
Spain	56	86	111	148
France	85	130	170	225

Croatia	33	51	65	87
Italy	63	97	125	167
Cyprus	4	6	8	11
Latvia	15	23	30	40
Lithuania	19	29	39	52
Luxembourg	4	6	8	11
Hungary	33	51	65	87
Malta	3	5	6	8
Netherlands	25	38	50	67
Austria	17	26	34	45
Poland	50	77	100	133
Portugal	23	35	47	63
Romania	38	58	75	100
Slovenia	17	26	35	47
Slovakia	17	26	35	47
Finland	15	23	30	40
Sweden	8	12	17	23
[Switzerland]	8	12	16	21
[Iceland]	1	2	2	3
[Liechtenstein]*	0	0	0	0
[Norway]	10	15	20	27
<b>TOTAL</b>	<b>750</b>	<b>1.150</b>	<b>1.500</b>	<b>2.000</b>

(\*) Liechtenstein will contribute through proportional financial support

Or. en

### *Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature.*

### **Amendment 118**

#### **Proposal for a regulation Annex IV – table**

*Text proposed by the Commission*

Country / Year	2020	2021	2022	2023	2024	2025	2026	2027
Belgium	140	120	120	100	100	80	80	80

Bulgaria	187	160	160	133	133	107	107	107
Czech Republic	93	80	80	67	67	53	53	53
Denmark	135	116	116	97	97	77	77	77
Germany	1052	900	900	748	748	602	602	602
Estonia	84	72	72	60	60	48	48	48
Greece	233	200	200	167	167	133	133	133
Spain	518	444	444	370	370	296	296	296
France	795	680	680	565	565	455	455	455
Croatia	303	260	260	217	217	173	173	173
Italy	583	500	500	417	417	333	333	333
Cyprus	37	32	32	27	27	21	21	21
Latvia	140	120	120	100	100	80	80	80
Lithuania	182	156	156	130	130	104	104	104
Luxembourg	37	32	32	27	27	21	21	21
Hungary	303	260	260	217	217	173	173	173
Malta	28	24	24	20	20	16	16	16
Netherlands	233	200	200	167	167	133	133	133
Austria	159	136	136	113	113	91	91	91
Poland	467	400	400	333	333	267	267	267
Portugal	219	188	188	157	157	125	125	125
Romania	350	300	300	250	250	200	200	200
Slovenia	163	140	140	117	117	93	93	93
Slovakia	163	140	140	117	117	93	93	93
Finland	140	120	120	100	100	80	80	80
Sweden	79	68	68	57	57	45	45	45
[Switzerland]	75	64	64	53	53	43	43	43
[Iceland]	9	8	8	7	7	5	5	5
[Liechtenstein] *	0	0	0	0	0	0	0	0
[Norway]	93	80	80	67	67	53	53	53
<b>TOTAL</b>	<b>7000</b>	<b>6000</b>	<b>6000</b>	<b>5000</b>	<b>5000</b>	<b>4000</b>	<b>4000</b>	<b>4000</b>

(\*) Liechtenstein will contribute through proportional financial support

### *Amendment*

Country / Year	<i>[Year of Entry into Force +2]</i>	<i>[Year of Entry into Force +3]</i>	<i>[Year of Entry into Force +4]</i>	<i>[Year of Entry into Force +5]</i>
Belgium	40	47	55	70
Bulgaria	53	62	73	93
Czech Republic	27	32	37	47
Denmark	39	46	54	68

Germany	298	350	410	522
Estonia	24	28	33	42
Greece	67	79	92	117
Spain	148	174	203	259
France	225	264	309	394
Croatia	87	102	120	153
Italy	167	196	230	292
Cyprus	11	13	15	19
Latvia	40	47	55	70
Lithuania	52	61	71	91
Luxembourg	11	13	15	19
Hungary	87	102	120	153
Malta	8	10	11	14
Netherlands	67	79	92	117
Austria	45	53	62	79
Poland	133	156	183	233
Portugal	63	74	86	110
Romania	100	117	137	175
Slovenia	47	55	65	82
Slovakia	47	55	65	82
Finland	40	47	55	70
Sweden	23	27	32	40
[Switzerland]	21	25	29	37
[Iceland]	3	4	4	5
[Liechtenstein]*	0	0	0	0
[Norway]	27	32	37	47
<b>TOTAL</b>	<b>2.000</b>	<b>2.350</b>	<b>2.750</b>	<b>3.500</b>

(\*) Liechtenstein will contribute through proportional financial support

Or. en

### *Justification*

*The Rapporteur is of the opinion that the deadline to implement all the new provisions of this Regulation, especially the setting up of the European Border and Coast Guard standing corps, should be more realistic and gradual in nature.*

### **Amendment 119**

#### **Proposal for a regulation Annex V – part 1 – paragraph 2 a (new)**

***When establishing an operational plan, the host Member State may limit the possibility of statutory staff to bear firearm weapons in accordance with national law or operating procedures during operations.***

Or. en

*Justification*

*The Rapporteur is of the opinion that the host Member State should decide on whether statutory staff should be allowed to bear firearm weapons. Thus, the possibility granted to statutory staff (Category 1) to bear firearm weapons in Annex V of this Regulation is not directly applicable.*

**Amendment 120**

**Proposal for a regulation  
Annex V – part 1 – paragraph 4**

*Text proposed by the Commission*

Whenever the lawful use of force or firearms is unavoidable, the Agency's statutory operational staff shall act in proportion to the seriousness of the offence and the legitimate objective to be achieved. During operational activities, the proportionality principle should guide both the nature of force used (e.g. the need for use of weapons) as well as the extent of force applied. The Agency's statutory operational staff shall not use more force than is absolutely necessary to achieve the legitimate law enforcement objective. If a firearm is used, the Agency's statutory operational staff shall ensure that such use causes the least possible injuries and ***minimizes*** injury or damage to the greatest possible extent. The principle requires the Agency to provide equipment and self-defensive tools for its statutory staff necessary to enable the appropriate level of

*Amendment*

Whenever the lawful use of force or firearms is unavoidable, the Agency's statutory operational staff shall act in proportion to the seriousness of the offence and the legitimate objective to be achieved. During operational activities, the proportionality principle should guide both the nature of force used (e.g. the need for use of weapons) as well as the extent of force applied. The Agency's statutory operational staff shall not use more force than is absolutely necessary to achieve the legitimate law enforcement objective. If a firearm is used, the Agency's statutory operational staff shall ensure that such use causes the least possible injuries and ***minimises*** injury or damage to the greatest possible extent. ***If the measures lead to an unacceptable result, the operational staff shall waive the measure.*** The principle requires the Agency to provide equipment

force to be applied.

and self-defensive tools for its statutory staff necessary to enable the appropriate level of force to be applied.

Or. en

#### *Justification*

*The Rapporteur believes that staff should only escalate measures when it is unavoidable. This is standard practice when staff receive training in the use of force.*

### **Amendment 121**

#### **Proposal for a regulation**

#### **Annex V – part 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Agency shall provide statutory staff with ongoing training on the use of force. This training shall take place annually as per the training provided for in Article 62(2). In order for the statutory staff to be allowed to carry service weapons and to use force, they shall be required to have successfully completed the annual ongoing training. The annual ongoing training shall cover theoretical and practical aspects as described above. The annual ongoing training shall last at least 24 hours in total, with the theoretical training taking at least 8 hours and the practical training taking at least 16 hours. The practical training shall be divided into at least 8 hours for physical training, using physical restraint techniques, and at least 8 hours for the use of firearms.***

Or. en

#### *Justification*

*Training is a fundamental aspect linked to the operation of the Agency. The Rapporteur believes that the highest level of specialised training should be given to all staff, including statutory staff. This paragraph ensures that statutory staff actually undergo a high level and diverse training programme.*

## **Amendment 122**

### **Proposal for a regulation Annex V – part 4 – paragraph 2**

*Text proposed by the Commission*

The personal equipment set shall be used by all the Agency's statutory operational staff deployed as team members of the **three** types of teams deployed from the European Border and Coast Guard standing corps. The Agency may also complement the personal equipment set by additional weapon, ammunition or other equipment specific for the purpose of carrying specific tasks within one or two types of teams.

*Amendment*

The personal equipment set shall be used by all the Agency's statutory operational staff deployed as team members of the **four** types of teams deployed from the European Border and Coast Guard standing corps. The Agency may also complement the personal equipment set by additional weapon, ammunition or other equipment specific for the purpose of carrying specific tasks within one or two types of teams.

Or. en

#### *Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff.*

## **Amendment 123**

### **Proposal for a regulation Annex V a (new)**

*Text proposed by the Commission*

*Amendment*

**ANNEX Va  
CONTRIBUTIONS OF MEMBER  
STATES TO THE RAPID REACTION  
POOL IN ACCORDANCE WITH  
ARTICLE 58a**

**Belgium 60**

**Bulgaria 80**

**Czech Republic 40**

**Denmark 58**

*Germany 450*  
*Estonia 36*  
*Greece 100*  
*Spain 222*  
*France 340*  
*Croatia 130*  
*Italy 250*  
*Cyprus 16*  
*Latvia 60*  
*Lithuania 78*  
*Luxembourg 16*  
*Hungary 130*  
*Malta 12*  
*Netherlands 100*  
*Austria 68*  
*Poland 200*  
*Portugal 94*  
*Romania 150*  
*Slovenia 70*  
*Slovakia 70*  
*Finland 60*  
*Sweden 34*  
*Switzerland 32*  
*Iceland 4*  
*Liechtenstein (\*)*  
*Norway 40*  
*Total 3.000*

*(\*) Liechtenstein will contribute through proportional financial support.*

Or. en

#### *Justification*

*The Rapporteur is of the opinion that the rapid reaction pool should still be kept to complement the European Border and Coast Guard standing corps specifically for rapid*



*border interventions which will only be utilised as a last resort. This amendment consequently reflects the proposal to add a fourth category of operational staff and sets the level of contribution per EU Member State and associated country to this pool.*

## **EXPLANATORY STATEMENT**

### **Introduction**

Two years ago, Frontex was expanded to become the European Border and Coast Guard (EBCG) Agency that it is today. The Agency's new mandate and its increased resources are a clear and strong response to the challenges faced at the EU's external borders. These challenges were a result of the migration crisis, but also related to the difficulty in encouraging greater solidarity among Member States, to strengthening exchange of information between Member States and cooperation of law enforcement in the fight against cross-border crime and terrorism.

The establishment of the EBCG in 2016 has led to significant progress being achieved in the past 2 years. However, the reliance on voluntary Member State contributions of staff and equipment has resulted in persistent gaps that have affected the efficiency of the Agency's joint operations. The need for a more effective control of the EU's external borders is clear. The role of the EBCG must be further strengthened through increased resources and an enhanced mandate. Europe needs to be able to effectively manage its external borders, ensure that returns are effected more efficiently and provide for an enhanced security within the Union.

The EBCG proposal addresses the need to ensure the proper control of the Schengen external borders as a precondition to manage migration effectively, to ensure high level of security within the system while safeguarding free movement of persons within the Union. While we must have the strongest respect for Member States' sovereignty and competence at all times, the necessary operational support has to be provided to ensure that EU solidarity is effectively delivered whenever it is needed.

### **Background**

The idea behind Frontex was to improve the integrated management of the external borders and the implementation of the common rules to promote, coordinate and develop the concept of European border management.

The mandate of Frontex has been revised three times. Regulation 863/2007 introduced the concept of rapid border interventions and Regulation 1168/2011 highlighted the responsibility of Frontex to protect fundamental rights.

Regulation 1052/2013 established the European Border Surveillance System (EUROSUR), which is managed by Frontex. In addition Regulation 656/2014 established rules for the surveillance of the external sea borders in the context of sea operations coordinated by the Agency.

In 2015, the proposed Regulation 2016/1624 aimed at setting up the EBCG in order to ensure a European integrated border management of the EU's external borders, with a view to managing migration effectively and ensuring a high level of security within the Union, while safeguarding the free movement of persons therein.

Moreover, the European Parliament Resolution of 30 May 2018 on the annual report on the functioning of the Schengen area underlined the need for a prompt introduction of the full European Integrated Border Management (IBM) strategy. This was agreed between the EU Institutions, leading to technical and operational strategies by the EBCG and the Member States. The European Parliament expressed its concern over inconsistencies in the implementation of the IBM Strategy in the Member States and stressed that the full execution of the IBM Strategy in all Member States is vital for the functioning of the Schengen area.

Currently, the Agency is a cornerstone of the EU's efforts to guarantee an area of freedom, security and justice. To help safeguard Europe's internal security, Frontex has started conducting regular vulnerability tests in all EU Member States, and has already shared its first findings with national authorities and EU institutions. Through its return operations, the Agency is also playing a central role in migration enforcement, while at the same time fundamental rights protection is strengthened in areas ranging from operational guidance to return monitoring. The EBCG can already carry out deployments and joint operations on the territory of neighbouring non-EU countries, subject to the prior conclusion of a status agreement between the EU and the country concerned.

### **The proposal on reinforcing the EBCG**

The Commission proposes a number of changes to the EBCG, in particular by providing the Agency with its own operational arm: a EBCG standing corps of 10.000 operational staff with executive powers for its activities to effectively support Member States. The EBCG standing corps will not only constitute a quantitative increase but it will provide for the necessary capabilities to intervene when needed to protect the EU external borders, prevent secondary movements and effectively implement returns of irregular migrants.

The Commission proposal aims at structuring the political steering of the European Integrated Border Management by establishing a policy cycle of European and national integrated border management strategies. The coordination of the planning processes of European Integrated Border Management need to better prepare border operations, define the reaction to higher impact levels and in particular possible intervention of the standing corps and other capabilities of the Agency in support of Member States. It will also improve the preparation of the capabilities of the EBCG by coordinating training and education, the acquisition of equipment in the short and longer term, including research and development.

Cooperation with third countries is another key element of European Integrated Border Management. This proposal reinforces the cooperation of the Agency with third countries with the aim of promoting European border management and return standards, to exchange information and risk analysis, to facilitate the implementation of returns with a view to increasing their efficiency and to support third countries in the area of border management and migration. This includes the deployment of the EBCG standing corps when such support is required to protect external borders and the effective management of the Union's migration policy. Under the new proposal to further reinforce the EBCG, status agreements between the EU could also be concluded with countries beyond the EU's immediate neighbourhood.

The Commission also proposes to encompass the European Border Surveillance System (EUROSUR) in the European Border and Coast Guard proposal, to improve the functioning of EUROSUR and enlarge its scope to cover most of the components of Integrated Border Management. This means better detecting, anticipating and reacting to crises at EU external borders and in third countries.

### Position of the Rapporteur

The Rapporteur welcomes and supports the proposal as a further element, that once adopted, will enhance solidarity between the Member States, reinforce integration regarding border management and contribute to preventing crisis situations at the external borders. The proposal is **a response to the weaknesses identified due to the insufficient contributions of border guards or technical equipment by Member States and consequently, of the lack of flexibility in redeployment by the Agency.** It is also a response to the **inconsistencies recognised for the full implementation of the Integrated Border Management Strategy** in the Member States, or to the fact that mechanisms that have been created were not activated by Member States. In an area of free movement without internal borders, managing the Union's external borders must be a shared responsibility among all Member States. The amendments proposed by the rapporteur aim to further strengthen the proposal by increasing the Agency's effectiveness, as well as its efficiency and accountability while respecting Member State competence.

The Rapporteur proposes a number of amendments that should enable the Agency to better achieve its enhanced objectives. It is crucial that the Agency has the necessary border guards and equipment at its disposal whenever this is needed and especially that it is able to deploy them within a short timeframe when necessary.

As regards the EBCG standing corps (Article 55), the Rapporteur is proposing the addition of **a fourth category of operational staff** from Member States for the sole purpose of rapid border interventions which will be placed at the immediate disposal of the Agency and which can be deployed from each Member State within five working days. The rapid reaction pool will only be utilised as a last resort and only when the type of categories 1 to 3 staff that are required for the type of operation needed that form part of the standing corps are already fully deployed. The total number of staff made available by the Member States, for category four shall amount to a 3.000.

With regards to the Integrated Border Management (IBM), (Articles 3 and 8), the Rapporteur, proposes that the multiannual strategic policy cycle for the IBM shall define the policy priorities and provide the strategic guidelines **for a period of four years** in relation to the sectorial and horizontal components where the European Parliament and the Council shall be involved. The Rapporteur is proposing that fundamental rights, education and training, and research and innovation shall be horizontal components that are to be present in every sectorial component during its implementation.

The Rapporteur also considers that there is no reason to move away from the agreement reached with the Council EBCG 1.0 in 2016 on the situation at the external borders requiring urgent action (Article 43).

On costs (Article 46), the Rapporteur is proposing **a more flexible payment system** providing Member States the possibility to receive advance payments before they receive the annual payment for the purposes of deploying operational staff for short duration as team members from the EBCG standing corps. A pro-rata advance and annual payment will also be provided for short-term secondments of less than 4 months.

On return interventions (Article 54), the Rapporteur proposes that all **the necessary safeguards linked to return interventions in third countries should be ensured**. Therefore the Rapporteur proposes a number of fundamental rights safeguards, which will ensure that the Agency is not involved in unsafe return interventions.

The Rapporteur considers the above-mentioned changes as being essential in addressing the shortcomings identified following the adoption of the EBCG 1.0 and to ensure that the EBCG is well-equipped, efficient and fully operational providing assistance to and effective support to the Member States for the protection of Union's external borders.