



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2010/0039(COD)

15.12.2010

AMENDMENTS

69 - 254

Draft report

Simon Busuttil

(PE450.754v01-00)

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

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

AM_Com_LegReport



Amendment 69

Rui Tavares

Draft legislative resolution

Paragraph 2 a (new)

Draft legislative resolution

Amendment

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

Or. en

Amendment 70

Anna Maria Corazza Bildt

Draft legislative resolution

Paragraph 2 a (new)

Draft legislative resolution

Amendment

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

Or. en

Amendment 71

Birgit Sippel

Draft legislative resolution

Paragraph 3

Draft legislative resolution

Amendment

3. Instructs its President to forward its

3. Instructs its President to forward its

position to the Council, the Commission and the national parliaments.

position to the Council, the Commission, **the European Data Protection Supervisor** and the national parliaments.

Or. en

Amendment 72

Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act

Recital 1

Text proposed by the Commission

(1) Die Entwicklung einer vorausschauenden und umfassenden europäischen Migrationspolitik, die auf Solidarität und Verantwortlichkeit beruht, ist weiterhin eines der politischen Hauptziele der Europäischen Union.

Amendment

(1) Die Entwicklung einer vorausschauenden und umfassenden europäischen Migrationspolitik, die auf **Kontrolle**, Solidarität und Verantwortlichkeit beruht, ist weiterhin eines der politischen Hauptziele der Europäischen Union.

Or. de

Amendment 73

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

Proposal for a regulation – amending act

Recital 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 74

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Recital 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 75

Rui Tavares

Proposal for a regulation – amending act

Recital 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 76
Rui Tavares, Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 77

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

Proposal for a regulation – amending act
Recital 5

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 78
Rui Tavares

Proposal for a regulation – amending act
Recital 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 79
Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act
Recital 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 80

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

Proposal for a regulation – amending act
Recital 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 81
Sylvie Guillaume

Proposal for a regulation – amending act
Recital 7

Text proposed by the Commission

(7) La gestion efficace des frontières extérieures au moyen des activités de vérification et de surveillance contribue à la lutte contre l'immigration **illégal**e et la traite des êtres humains, ainsi qu'à la réduction des menaces pesant sur la sécurité intérieure, l'ordre public, la santé publique et les relations internationales des États membres.

Amendment

(7) La gestion efficace des frontières extérieures au moyen des activités de vérification et de surveillance contribue à la lutte contre l'immigration **irrégulière** et la traite des êtres humains, ainsi qu'à la réduction des menaces pesant sur la sécurité intérieure, l'ordre public, la santé publique et les relations internationales des États membres.

Or. fr

Justification

On parlera de "séjour illégal", de "séjour en situation irrégulière" ou encore d'"immigration clandestine", mais il n'est pas approprié de parler d'"immigration illégale".

Amendment 82
Cecilia Wikström

Proposal for a regulation – amending act
Recital 7

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 83

Rui Tavares, Cornelia Ernst

**Proposal for a regulation – amending act
Recital 10**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 84
Rui Tavares

Proposal for a regulation – amending act
Recital 11

Text proposed by the Commission

Amendment

(11) Current possibilities for providing effective assistance to the Member States regarding the operational aspects of external border management should be reinforced as concerns the available technical resources; the Agency must be able to plan with sufficient accuracy the coordination of joint operations or pilot projects. *deleted*

Or. en

Amendment 85
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Recital 12

Text proposed by the Commission

Amendment

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

Or. en

Amendment 86
Sari Essayah

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

Text proposed by the Commission

Amendment

(14a) Operatiivisen toiminnan tehostamiseen tähtäävien toimenpiteiden ei tulisi johtaa jäsenvaltioiden rajaturvallisuuteen varattujen voimavarojen ylikansalliseen hallintaan eikä niiden tulisi asettaa kyseenalaiseksi jäsenvaltioiden yksiselitteistä vastuuta ulkorajojen valvonnasta ja rajaturvallisuuteen käytettävien voimavarojen laadusta ja määrästä. Rajaturvallisuustehtävien johtovastuu olisi myös aina oltava sen jäsenvaltion viranomaisella, jonka alueella kulloinkin toimitaan.

Or. fi

Amendment 87

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

Proposal for a regulation – amending act Recital 17

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 88
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Recital 19

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 89
Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act
Recital 19

Text proposed by the Commission

(19) Die Agentur sollte für nationale Ausbilder von Grenzschutzbeamten Schulungen auf europäischer Ebene anbieten, in denen auch das Thema Grundrechte behandelt wird; angeboten werden sollten außerdem zusätzliche Fortbildungen und Seminare für Beamte der zuständigen nationalen Dienste über die Kontrolle und Überwachung der Außengrenzen und die Abschiebung von Drittstaatsangehörigen, die sich illegal in den Mitgliedstaaten aufhalten. Die Agentur

Amendment

(19) Die Agentur sollte für nationale Ausbilder von Grenzschutzbeamten Schulungen auf europäischer Ebene anbieten, in denen auch das Thema **der effektiven Abweisung oder Aufgreifung illegaler Grenzgänger unter Achtung der** Grundrechte behandelt wird; angeboten werden sollten außerdem zusätzliche Fortbildungen und Seminare für Beamte der zuständigen nationalen Dienste über die Kontrolle und Überwachung der Außengrenzen und die Abschiebung von

kann in Zusammenarbeit mit den Mitgliedstaaten in deren Hoheitsgebiet Ausbildungsmaßnahmen durchführen. Die Mitgliedstaaten sollten vor diesem Hintergrund die Ergebnisse der Arbeit der Agentur in die nationalen Ausbildungsprogramme für ihre Grenzschutzbeamten einbeziehen.

Drittstaatsangehörigen, die sich illegal in den Mitgliedstaaten aufhalten. Die Agentur kann in Zusammenarbeit mit den Mitgliedstaaten in deren Hoheitsgebiet Ausbildungsmaßnahmen durchführen. Die Mitgliedstaaten sollten vor diesem Hintergrund die Ergebnisse der Arbeit der Agentur in die nationalen Ausbildungsprogramme für ihre Grenzschutzbeamten einbeziehen.

Or. de

Amendment 90
Anna Maria Corazza Bildt

Proposal for a regulation – amending act
Recital 19

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 91

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

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 92

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

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 93

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

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 94
Cecilia Wikström**

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

Text proposed by the Commission

Amendment

(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's

(21) In most Member States, the operational aspects of return of third-country nationals illegally present in the Member States fall within the competencies of the authorities responsible for controlling the external borders. As there is a clear added value in performing these tasks at Union level, the Agency should, in full compliance with the Union's

return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.

return policy, accordingly provide the necessary assistance and coordination for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and define a Code of Conduct to be followed during the removal of third-country nationals illegally present in the territories of the Member States. ***The joint return operations should always be monitored by an independent body.*** No Union financial means should be made available for activities and operations that are not carried out in conformity with the Charter of Fundamental Rights.

Or. en

Amendment 95
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act
Recital 21

Text proposed by the Commission

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

Amendment

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

of Fundamental Rights.

of Fundamental Rights *and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the protocols thereto.*

Or. en

Amendment 96

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

Proposal for a regulation – amending act Recital 22

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 97

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act Recital 22

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 98
Sylvie Guillaume

Proposal for a regulation – amending act
Recital 22

Text proposed by the Commission

(22) Pour mener à bien sa mission, et dans la mesure nécessaire à l'exécution de ses tâches, l'Agence peut coopérer avec Europol, le Bureau européen d'appui en matière d'asile, l'Agence des droits fondamentaux et d'autres agences, organes et organismes de l'Union européenne, les autorités compétentes des pays tiers et les organisations internationales compétentes dans les domaines régis par le règlement (CE) n° 2007/2004, dans le cadre d'accords de travail conclus conformément aux

Amendment

(22) Pour mener à bien sa mission, et dans la mesure nécessaire à l'exécution de ses tâches, l'Agence peut coopérer avec Europol, le Bureau européen d'appui en matière d'asile, l'Agence des droits fondamentaux et d'autres agences, organes et organismes de l'Union européenne, les autorités compétentes des pays tiers et les organisations internationales ***et autres organisations*** compétentes dans les domaines régis par le règlement (CE) n° 2007/2004, dans le cadre d'accords de

dispositions pertinentes du traité. L'Agence devrait faciliter la coopération opérationnelle entre les États membres et les pays tiers dans le cadre de la politique de l'Union européenne en matière de relations extérieures.

travail conclus conformément aux dispositions pertinentes du traité. L'Agence devrait faciliter la coopération opérationnelle entre les États membres et les pays tiers dans le cadre de la politique de l'Union européenne en matière de relations extérieures.

Or. fr

Justification

Il convient d'élargir le type d'organisations avec lesquelles l'Agence peut coopérer afin que celle-ci bénéficie de l'expertise et du savoir-faire d'un plus grand nombre d'organisations.

Amendment 99

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

**Proposal for a regulation – amending act
Recital 27**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 100

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

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

Text proposed by the Commission

Amendment

(28a) The European Data Protection

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

Or. en

Amendment 101

Timothy Kirkhope on behalf of the ECR Group

**Proposal for a regulation – amending act
Recital 36**

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 102

Timothy Kirkhope on behalf of the ECR Group

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

Text proposed by the Commission

Amendment

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

deleted

Amendment 103

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

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 2007/2004

Article 1 – paragraph 2

Text proposed by the Commission

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

Amendment

2. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, ***jointly with the Agency, as a body of the Union as defined in Article 15 and in accordance with Article 19 of this Regulation, the Agency*** shall facilitate and render more effective the application of existing and future European Union measures relating to the management of external borders, in particular the Schengen Borders Code, and in accordance with relevant Union law, International law, obligations related to access to international protection, and fundamental rights. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States. ***The Agency shall fulfill its tasks in full respect for relevant Union law, including the Charter of Fundamental Rights of the European Union and Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation***

at the External Borders of the Member States of the European Union¹; international law, including the Geneva Convention Relating to the Status of Refugees of 28 July 1951, obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights.

¹ OJ L 111, 4.5.2010, p. 20.

Or. en

Amendment 104
Sylvie Guillaume

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

Text proposed by the Commission

2. Étant entendu que la responsabilité du contrôle et de la surveillance des frontières extérieures incombe aux États membres, l'Agence rend néanmoins plus facile et plus efficace l'application des dispositions existantes et futures de l'Union européenne en matière de gestion des frontières extérieures, notamment le code frontières Schengen, *dans le respect des dispositions pertinentes du droit de l'Union et du droit international, des obligations relatives à l'accès à la protection internationale et des droits fondamentaux*, en assurant la coordination des actions des États membres lors de la mise en œuvre de ces dispositions, contribuant ainsi à l'efficacité, à la qualité et à l'uniformité du contrôle des personnes et de la surveillance des frontières extérieures des États membres de l'Union européenne.

Amendment

2. Étant entendu que la responsabilité du contrôle et de la surveillance des frontières extérieures incombe aux États membres, l'Agence rend néanmoins plus facile et plus efficace l'application des dispositions existantes et futures de l'Union européenne en matière de gestion des frontières extérieures, notamment le code frontières Schengen et *la décision 2010/252/UE du Conseil du 26 avril 2010 visant à compléter le code frontières Schengen en ce qui concerne la surveillance des frontières extérieures maritimes dans le cadre de la coopération opérationnelle coordonnée par l'Agence européenne pour la gestion de la coopération opérationnelle aux frontières extérieures des États membres de l'Union européenne¹*, en assurant la coordination des actions des États membres lors de la mise en œuvre de ces dispositions, contribuant ainsi à l'efficacité, à la qualité et à l'uniformité du contrôle des personnes

et de la surveillance des frontières extérieures des États membres de l'Union européenne.

L'Agence accomplit ses tâches dans le plein respect des dispositions pertinentes du droit de l'Union, y compris de la charte des droits fondamentaux de l'Union européenne, du droit international, y compris de la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés, des obligations relatives à l'accès à la protection internationale, en particulier du principe de non-refoulement, et des droits fondamentaux.

¹ JO L 111 du 4.5.2010, p. 20.

Or. fr

Justification

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

Amendment 105

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 2007/2004

Article 1 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 106
Sylvie Guillaume

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

Ibis) A l'article 1, le paragraphe suivant est inséré :

"2bis. Afin de faciliter la mise en oeuvre effective du respect des obligations en matière de droits de l'homme, l'Agence élabore un code de conduite applicable à l'ensemble des opérations dont l'Agence assure la co-gestion et/ou la coordination, ainsi qu'aux projets pilotes menés en coopération avec les Etats membres. Ce code énonce des procédures normalisées communes visant notamment au respect des droits fondamentaux et à la mise en place d'un système indépendant efficace de contrôle des opérations. Afin de garantir que les activités susmentionnées se déroulent dans la transparence et soient évaluées de manière cohérente, les observations des contrôleurs indépendants font partie des rapports d'évaluation visés à l'article 3, paragraphe 4 et sont intégrées dans un mécanisme de rapports annuels, tel que défini à l'article 20, paragraphe 2, point b).

En outre, l'Agence définit, en consultation avec le Bureau européen d'appui en matière d'asile, le Haut commissariat des Nations unies pour les réfugiés (UNHCR) et des organisations non gouvernementales disposant d'une expertise dans ce domaine, des lignes directrices spécifiques, permettant via des mesures concrètes l'identification des personnes en quête de protection et leur orientation vers les structures appropriées. Ces lignes directrices font partie du plan opérationnel élaboré par l'Agence et les Etats membres participants pour chaque opération impliquant l'Agence."

Or. fr

Justification

Outre un renforcement du cadre juridique, il importe de prévoir également des mécanismes concrets et précis permettant une mise en oeuvre efficace et un respect effectif des droits de l'homme sur le terrain. Par ailleurs, il est difficile d'envisager qu'un système d'évaluation et de contrôle crédible, en matière de respect des droits fondamentaux, puisse être effectué par l'Agence elle-même, laquelle se voit dotée par la proposition de la Commission d'un rôle et d'une responsabilisation accrues dans le cadre des opérations menées.

Amendment 107 **Salvatore Iacolino**

Proposal for a regulation – amending act

Article 1 – point 1 a (new)

Regulation (EC) No 2007/2004

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

***1 bis) All'articolo 1 il paragrafo 3 è
sostituito dal seguente:***

***"L'Agenzia fornisce inoltre alla
Commissione e agli Stati membri il
sostegno tecnico e le conoscenze
specialistiche necessari per la gestione
delle frontiere esterne e promuove la
solidarietà tra gli Stati membri, in
particolare tra quelli che sono confrontati
a pressioni specifiche o sproporzionate.
La verifica dell'attività dell'Agenzia tiene
conto tra l'altro, di questo specifico
elemento di valutazione."***

Or. it

Justification

E' indispensabile che il processo di verifica sull'attività dell'Agenzia tenga conto della capacità pronta ed efficace nei casi di emergenza e/o in quelli che esigono risposte senza indugio a tutela della dignità della persona.

Amendment 108
Monika Hohlmeier

Proposal for a regulation – amending act

Article 1 – point 2 – point a

Regulation (EC) No 2007/2004

Article 1a – point 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 109
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 2 – point a

Regulation (EC) No 2007/2004

Article 1a – point 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 110

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

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

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – points a and b

Text proposed by the Commission

Amendment

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

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

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

Or. en

Amendment 111

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

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point i

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 112

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point i

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

¹ OJ L 111, 4.5.2010, p. 20.

Or. en

Amendment 113

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

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point i

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ***participate in*** the development of research relevant for the control and

Amendment

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

surveillance of external borders;

external borders;

Or. en

Amendment 114

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

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

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

(ia) the following point is added:

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

Or. en

Amendment 115

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

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point ii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

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

deleted

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

Or. en

Amendment 116

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point ii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 117

Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point ii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 118

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

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point iii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 119

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 3 – point a – point iii

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 120

Manfred Weber, Ernst Strasser

Proposal for a regulation – amending act

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

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

(iii) der folgende Buchstabe wird angefügt:

“(ia) Überwachung der Anwendung des Schengen-Besitzstandes.”

Or. de

Amendment 121

Manfred Weber, Ernst Strasser

Proposal for a regulation – amending act

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

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

(iii) der folgende Buchstabe wird angefügt:

“(ia) Beteiligung am Evaluierungsmechanismus zur Anwendung des Schengen-Besitzstandes.”

Or. de

Amendment 122

Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act

Article 1 – point 3 – point b

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Sämtliche Grenzschutzbeamte und andere Bedienstete der Mitgliedstaaten sowie das Agenturpersonal müssen vor ihrer Teilnahme an von der Agentur organisierten operativen Maßnahmen Schulungen über das einschlägige EU-

Sämtliche Grenzschutzbeamte und andere Bedienstete der Mitgliedstaaten sowie das Agenturpersonal müssen vor ihrer Teilnahme an von der Agentur organisierten operativen Maßnahmen Schulungen über das einschlägige EU-

Recht und Völkerrecht, *einschließlich* über *die Themen* Grundrechte *und internationaler Schutz*, teilgenommen haben.

Recht und Völkerrecht, *insbesondere* über *das Thema der effektiven Abweisung oder Aufgreifung illegaler Grenzgänger unter Achtung der* Grundrechte, teilgenommen haben.

Or. de

Amendment 123

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

Proposal for a regulation – amending act

Article 1 – point 3 – point b

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 124

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 3 – point b

Regulation (EC) No 2007/2004

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Tous les gardes-frontières et les autres membres du personnel des États membres,

Amendment

Tous les gardes-frontières et les autres membres du personnel des États membres,

ainsi que les membres du personnel de l'Agence reçoivent, préalablement à leur participation aux activités opérationnelles organisées par l'Agence, une formation relative aux dispositions pertinentes du droit de l'Union et du droit international, y compris les droits fondamentaux et l'accès à la protection internationale.

ainsi que les membres du personnel de l'Agence reçoivent, préalablement à leur participation aux activités opérationnelles organisées par l'Agence *et/ou à leur déploiement dans les pays tiers par l'Agence* une formation relative aux dispositions pertinentes du droit de l'Union et du droit international, y compris les droits fondamentaux et l'accès à la protection internationale.

Or. fr

Justification

Conformément à la proposition de la Commission, les officiers de liaison doivent être déployés "en priorité" dans les pays tiers constituant des "pays d'origine ou de transit" dans le cadre de l'immigration irrégulière. Dans le contexte de flux migratoires mixtes, il est donc indispensable que les officiers de liaison reçoivent une formation préalable à leur déploiement sur les droits fondamentaux et notamment l'accès à la protection internationale.

Amendment 125

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 3 – point b a (new)

Regulation (EC) No 2007/2004

Article 2 – paragraph 1a a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph 1aais inserted:

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

Or. en

Amendment 126
Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 3 – point b b (new)

Regulation (EC) No 2007/2004

Article 2 – paragraph 1a b (new)

Text proposed by the Commission

Amendment

(bb) The following paragraph 1abis inserted:

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

Or. en

Amendment 127
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 128
Zbigniew Ziobro

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 129

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 130

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

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 131

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 132

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

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

Text proposed by the Commission

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are

Amendment

The Agency may also terminate joint operations and pilot projects if the conditions to conduct these initiatives are

no longer fulfilled.

no longer fulfilled *and/or if violations of fundamental rights and international protection obligations have occurred.*

Or. en

Amendment 133
Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 134
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

Text proposed by the Commission

L'Agence peut également mettre un terme à des opérations conjointes ou à des projets pilotes si les conditions nécessaires à la réalisation de ces initiatives ne sont plus remplies.

Amendment

L'Agence peut également mettre un terme à des opérations conjointes ou à des projets pilotes si les conditions nécessaires à la réalisation de ces initiatives, *y compris le respect des droits fondamentaux et des obligations en matière de protection internationale*, ne sont plus remplies.

Or. fr

Justification

Afin d'assurer un respect effectif des droits de l'homme, il est indispensable de préciser explicitement qu'en cas de violation des droits fondamentaux, l'Agence peut mettre fin à des opérations conjointes ou à des projets pilotes.

Amendment 135

Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 1 – subparagraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 136

Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

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

Amendment 137

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

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 138
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 2

Text proposed by the Commission

2. L'Agence constitue une réserve de gardes-frontières regroupés en "équipes communes de soutien FRONTEX" conformément aux dispositions de l'article 3 ter, en vue d'un éventuel déploiement lors des opérations conjointes et des projets pilotes visés au paragraphe 1. Elle décide du déploiement de ressources humaines et d'équipements techniques conformément aux articles 3 bis et 7.

Amendment

2. L'Agence constitue une réserve de gardes-frontières regroupés en "équipes communes de soutien FRONTEX" conformément aux dispositions de l'article 3 ter, en vue d'un éventuel déploiement lors des opérations conjointes et des projets pilotes visés au paragraphe 1. Elle décide du déploiement de ressources humaines et d'équipements techniques conformément aux articles 3 bis et 7. ***En vertu du code de conduite applicable à l'ensemble des opérations, prévoyant notamment un système de contrôle et d'évaluation indépendant, l'Agence prévoit que le Haut Commissariat des Nations unies pour les réfugiés (UNHCR) et des organisations non gouvernementales disposant d'une expertise dans le domaine participent à titre consultatif et en qualité de contrôleurs indépendants aux opérations conjointes et projets pilotes visés au paragraphe 1.***

Or. fr

Justification

Voir justification amendement 106.

Amendment 139

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

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 140

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

bodies and organisations, namely FRA, EASO, UNHCR and IOM.

Or. en

Amendment 141
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 4

Text proposed by the Commission

4. L'Agence évalue les résultats des opérations conjointes et des projets pilotes et transmet les rapports d'évaluation détaillés au conseil d'administration dans les 60 jours suivant la fin de l'activité. L'Agence établit une analyse comparative globale de ces résultats, incluse dans le rapport général visé à l'article 20, paragraphe 2, point b), afin d'améliorer la qualité, la cohérence *et* l'efficacité des opérations et projets futurs.

Amendment

4. L'Agence évalue les résultats des opérations conjointes, ***des déploiements d'équipes d'intervention rapide aux frontières*** et des projets pilotes et transmet les rapports d'évaluation détaillés au conseil d'administration dans les 60 jours suivant la fin de l'activité, ***accompagnés des observations des contrôleurs indépendants***. L'Agence établit une analyse comparative globale de ces résultats, incluse dans le rapport général visé à l'article 20, paragraphe 2, point b), afin d'améliorer la qualité, la cohérence, l'efficacité des opérations et projets futurs. ***Afin de garantir que les activités de l'Agence se déroulent dans la transparence et sont évaluées de manière cohérente, les observations des contrôleurs indépendants sont également intégrées dans un mécanisme de rapports annuels, tel que visé à l'article 20, paragraphe 2, point b).***

Or. fr

Justification

Il importe de prévoir un mécanisme de contrôle effectué de manière indépendante afin non seulement de faciliter et de renforcer une mise en oeuvre et un suivi effectifs du respect des droits fondamentaux, mais aussi d'apporter plus de transparence aux opérations menées. Parti prenante au conseil d'administration, la Commission pourra à l'appui des observations des contrôleurs indépendants s'assurer que les opérations menées se déroulent dans le

respect de la législation européenne en matière de droits fondamentaux notamment.

Amendment 142

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

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 143

Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 144

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 145
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 2007/2004

Article 3 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 146
Zbigniew Ziobro

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 147

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

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 148

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

e) la composition des équipes d'agents invités;

e) la composition des équipes d'agents invités ***et des observateurs indépendants tels que visés dans le code de conduite;***

Or. fr

Justification

Voir justification amendement 106.

Amendment 149

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

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 150
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

h) un système de rapports et d'évaluation prévoyant des dispositions détaillées relatives à la notification des incidents, des critères d'appréciation pour le rapport d'évaluation et la date limite de présentation du rapport d'évaluation final conformément à l'article 3, paragraphe 4;

Amendment

h) un système de rapports et d'évaluation prévoyant des dispositions détaillées relatives à la notification des incidents, des critères d'appréciation pour le rapport d'évaluation et la date limite de présentation du rapport d'évaluation final conformément à l'article 3, paragraphe 4; ***le mécanisme de notification des incidents doit être utilisé par l'Agence pour transmettre aux autorités publiques compétentes et au conseil d'administration toute information faisant état de manière crédible de violations du règlement (CE) n° 2007/2004 ou du code frontières Schengen, et notamment des droits fondamentaux, dans le cadre***

d'opérations conjointes ou de projets pilotes;

Or. fr

Justification

Conformément au considérant 17, il est indispensable d'énoncer explicitement ici que le mécanisme de notification des incidents doit inclure, le cas échéant, toute violation des droits fondamentaux.

Amendment 151

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

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 152
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

i) en ce qui concerne les opérations en mer, les exigences spécifiques relatives au ressort juridique et aux dispositions du droit maritime qui s'appliquent à la zone géographique dans laquelle l'opération conjointe a lieu.

Amendment

i) en ce qui concerne les opérations en mer, les exigences spécifiques relatives au ressort juridique et aux dispositions du droit maritime qui s'appliquent à la zone géographique dans laquelle l'opération conjointe a lieu, ***ainsi que celles relatives à l'applicabilité extraterritoriale de l'obligation de non-refoulement en vertu de l'article 3, paragraphe 1, de la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés. Conformément à l'article 1er de la décision 2010/252/UE du Conseil du 26 avril 2010 visant à compléter le code frontières Schengen en ce qui concerne la surveillance des frontières extérieures maritimes dans le cadre de la coopération opérationnelle coordonnée par l'Agence européenne pour la gestion de la coopération opérationnelle aux frontières extérieures des Etats membres de l'Union européenne¹, les règles et lignes directrices applicables aux cas de recherche et de sauvetage et au débarquement font partie du plan opérationnel élaboré pour chaque opération coordonnée par l'Agence.***

¹JO L 111 du 4.5.2010, p. 20.

Or. fr

Justification

Il est indispensable de préciser explicitement le cadre juridique dans lequel fonctionnent les opérations en mer coordonnées par Frontex afin de clarifier les responsabilités respectives dans le territoire de l'Union et en dehors de ce territoire. Il est en outre nécessaire d'inclure et de rappeler les dispositions de l'article 1er de la Décision du Conseil du 26 avril 2010

prévoyant que dans le cadre des opérations aux frontières maritimes coordonnées par l'Agence, les règles et lignes directrices applicables aux cas de recherche et de sauvetage et au débarquement font partie du plan opérationnel élaboré pour chaque opération coordonnée par l'Agence.

Amendment 153

Anna Maria Corazza Bildt

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 154

Stavros Lambrinidis

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 155
Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 156
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

ia) des mesures spécifiques afin d'assurer le respect des droits fondamentaux, notamment des lignes directrices visant à identifier les personnes en quête de protection et à les orienter vers les structures appropriées.

Or. fr

Justification

Il est indispensable que le plan opérationnel comporte également des mécanismes concrets et précis permettant une mise en oeuvre efficace et un respect effectif des droits de l'homme sur le terrain, notamment l'accès à la protection internationale.

Amendment 157

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

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 158

Zbigniew Ziobro

Proposal for a regulation – amending act – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 159
Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 160

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

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 4

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 161 Sylvie Guillaume

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

Text proposed by the Commission

4. Les membres des équipes communes de soutien FRONTEX respectent pleinement les droits fondamentaux et la dignité humaine dans l'exercice de leurs tâches et compétences. Toutes les mesures prises dans l'exercice de leurs tâches et compétences sont proportionnées aux objectifs poursuivis. Dans l'exercice de leurs tâches et compétences, les membres des équipes s'abstiennent de toute discrimination fondée sur le sexe, la race ou l'origine ethnique, la religion ou les convictions, le handicap, l'âge ou l'orientation sexuelle.

Amendment

4. Les membres des équipes communes de soutien FRONTEX respectent pleinement les droits fondamentaux, *parmi lesquels le droit d'asile*, et la dignité humaine dans l'exercice de leurs tâches et compétences. Toutes les mesures prises dans l'exercice de leurs tâches et compétences sont proportionnées aux objectifs poursuivis. Dans l'exercice de leurs tâches et compétences, les membres des équipes s'abstiennent de toute discrimination fondée sur le sexe, la race ou l'origine ethnique, la religion ou les convictions, le handicap, l'âge ou l'orientation sexuelle.

Or. fr

Justification

Pour assurer une mise en oeuvre effective en matière d'identification des personnes en quête de protection internationale, il convient de mentionner explicitement le droit d'asile comme

l'un des droits fondamentaux que les membres des équipes communes de soutien FRONTEX s'engagent à respecter.

Amendment 162

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 163

Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 4

Text proposed by the Commission

4. Die Mitglieder der FRONTEX-Unterstützungsteams üben ihre Aufgaben und Befugnisse unter uneingeschränkter Achtung der Grundrechte und der

Amendment

4. Die Mitglieder der FRONTEX-Unterstützungsteams üben ihre Aufgaben und Befugnisse unter uneingeschränkter Achtung der Grundrechte und der

Menschenwürde aus. Die bei der Wahrnehmung ihrer Aufgaben und Befugnisse getroffenen Maßnahmen müssen, gemessen an den damit verfolgten Zielen, verhältnismäßig sein. Bei der Wahrnehmung ihrer Aufgaben und Befugnisse dürfen die Teammitglieder Personen nicht aus Gründen des Geschlechts, der Rasse oder der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung diskriminieren.

Menschenwürde aus. Die bei der Wahrnehmung ihrer Aufgaben und Befugnisse getroffenen Maßnahmen müssen, gemessen an den damit verfolgten Zielen, verhältnismäßig sein. Bei der Wahrnehmung ihrer Aufgaben und Befugnisse dürfen die Teammitglieder Personen nicht aus Gründen des Geschlechts, der Rasse oder der ethnischen Herkunft, der *sozialen Stellung*, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung diskriminieren.

Or. de

Amendment 164
Salvatore Iacolino

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

Text proposed by the Commission

Amendment

4 bis. Nello svolgimento dei loro compiti e nell'esercizio delle loro competenze, le guardie di frontiera devono rispettare uno specifico codice di condotta a tutela dei minori non accompagnati e delle persone ritenute oggettivamente vulnerabili.

Or. it

Justification

Prevedere procedure standard comuni, in particolare nei confronti di determinate categorie di persone, permette di contare su operatori qualificati ed in grado di agire senza indugio per assicurare un livello di tutela più elevato.

Amendment 165
Monika Hohlmeier

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 166
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3b (new) – paragraph 5

Text proposed by the Commission

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

Amendment

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

operation of and to foster cooperation and coordination amongst host and participating Member States.

Or. en

Amendment 167

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3c (new) – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 168

Manfred Weber

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3 c (new) – paragraph 2

Text proposed by the Commission

2. Die Agentur kann über ihren Koordinierungsbeamten nach Artikel 3b Absatz 5 dem Einsatzmitgliedstaat ihren Standpunkt zu diesen Anweisungen übermitteln. **In diesem Fall berücksichtigt der** Einsatzmitgliedstaat diesen Standpunkt.

Amendment

2. Die Agentur kann über ihren Koordinierungsbeamten nach Artikel 3b Absatz 5 dem Einsatzmitgliedstaat ihren Standpunkt zu diesen Anweisungen übermitteln. **Dieser Standpunkt muss im Einklang mit den EU-Vorschriften zur Grenzsicherung stehen. Der** Einsatzmitgliedstaat **hat** diesen Standpunkt **zu übernehmen.**

Justification

Im Einzelfall wird nicht eine nationale Grenze gesichert, sondern die gesamteuropäische Grenze. Deshalb muss der Agentur im Streitfall auch die Letztentscheidung obliegen. Vorgaben der Agentur müssen sich allerdings im Rahmen der EU-Vorschriften bewegen.

Amendment 169

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3 c (new) – paragraph 2

Text proposed by the Commission

2. L'Agence, par l'intermédiaire de son officier de coordination prévu à l'article 3 ter, paragraphe 5, peut communiquer à l'État membre hôte sa position concernant ces instructions. Dans un tel cas, l'État membre hôte prend cette position en considération.

Amendment

2. L'Agence, par l'intermédiaire de son officier de coordination prévu à l'article 3 ter, paragraphe 5, peut communiquer à l'État membre hôte sa position concernant ces instructions. Dans un tel cas, **sous réserve de l'article 10**, l'État membre hôte prend cette position en considération.

Justification

Afin d'éviter toute confusion, il est indispensable de préciser les responsabilités respectives de l'officier de coordination, d'un côté, et de l'Etat membre hôte, de l'autre, ainsi que l'instance retenant la responsabilité du commandement et du contrôle en dernier lieu.

Amendment 170

Zbigniew Ziobro

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 2007/2004

Article 3 c (new) – paragraph 2

Text proposed by the Commission

2. Agencja może przekazywać swoje

Amendment

2. Agencja może przekazywać swoje

spostrzeżenia na temat tych poleceń przyjmującemu państwu członkowskiemu za pośrednictwem swojego oficera koordynującego, o którym mowa w art. 3b ust. 5. W takim przypadku przyjmujące państwo członkowskie **uwzględnia** te spostrzeżenia.

spostrzeżenia na temat tych poleceń przyjmującemu państwu członkowskiemu za pośrednictwem swojego oficera koordynującego, o którym mowa w art. 3b ust. 5. W takim przypadku przyjmujące państwo członkowskie **bierze** te spostrzeżenia **pod rozwagę**.

Or. pl

Amendment 171

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 6

Regulation (EC) No 2007/2004

Article 4 – paragraph 2

Text proposed by the Commission

Elle prépare des analyses des risques à la fois générales et spécifiques à remettre au Conseil et à la Commission. À cette fin, les États membres fournissent à l'Agence toutes les informations nécessaires relatives à la situation et aux menaces potentielles aux frontières extérieures.

Amendment

Elle prépare des analyses *de* risques à la fois générales et spécifiques à remettre au **Parlement européen, au** Conseil et à la Commission. À cette fin, les États membres fournissent à l'Agence toutes les informations nécessaires relatives à la situation et aux menaces potentielles aux frontières extérieures. ***Des organisations internationales et non gouvernementales possédant une expertise et une expérience confirmées dans le domaine des flux migratoires pourront contribuer aux analyses de risques préparées par l'Agence via leurs analyses et les informations à leur disposition. L'Agence partage les résultats de ses analyses et recherches avec les organisations expertes qui y ont contribué spécifiquement.***

Or. fr

Justification

Afin d'améliorer la supervision démocratique de l'Agence devant le Parlement européen, il importe que les informations relatives aux analyses de risques lui soient également transmises. Par ailleurs, les contributions des organisations expertes ne peuvent qu'améliorer la qualité et l'exactitude des analyses des risques de FRONTEX, et ainsi renforcer l'efficacité

opérationnelle de l'Agence, y compris en matière de respect des droits fondamentaux.

Amendment 172

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

Proposal for a regulation – amending act

Article 1 – point 6

Regulation (EC) No 2007/2004

Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 173

Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 6

Regulation (EC) No 2007/2004

Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

external borders.

Or. en

Amendment 174
Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 6

Regulation (EC) No 2007/2004

Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 175
Manfred Weber, Ernst Strasser

Proposal for a regulation – amending act

Article 1 – point 6 a (new)

Regulation (EC) No 2007/2004

Article 4 a (new)

Text proposed by the Commission

Amendment

(6a) Der folgende Artikel wird hinzugefügt:

"Artikel 4 a

Evaluierung des Schengen-Besitzstandes

Die Agentur hat alle erforderlichen Maßnahmen zu ergreifen, um den Schengen-Besitzstand laufend zu evaluieren. Dies ist in Kooperation mit den Schengen-Mitgliedstaaten zu praktizieren. Die Evaluierungsberichte sollen den EU-Institutionen und den Mitgliedstaaten zur Verfügung gestellt werden."

Or. de

Amendment 176

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

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 177
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

Text proposed by the Commission

L'Agence établit et développe des programmes communs pour la formation des gardes-frontières et propose une formation au niveau européen pour les instructeurs des gardes-frontières nationaux des États membres, y compris en matière de droits fondamentaux et d'accès à la protection internationale.

Amendment

L'Agence établit et développe des programmes communs pour la formation des gardes-frontières et propose une formation *initiale et continue* au niveau européen pour les instructeurs des gardes-frontières nationaux des États membres, y compris en matière de droits fondamentaux et d'accès à la protection internationale.

Ces programmes de formation sont élaborés après consultation du Haut Commissariat des Nations unies pour les réfugiés (UNHCR), du Bureau européen d'appui en matière d'asile (BEA) et de l'Agence des droits fondamentaux de l'Union européenne (FRA).

Or. fr

Justification

Les programmes suivis par les gardes-frontières doivent inclure une formation à la fois initiale et continue pour que ces derniers jouissent également d'une mise à jour des informations et des savoir-faire. Une consultation accrue avec des organisations expertes, telles que l'UNHCR, le BEA et la FRA, permettra notamment de renforcer l'apprentissage de mécanismes concrets quant à l'identification des personnes en quête de protection et leur orientation vers les structures appropriées.

Amendment 178

Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No 2007/2004

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Die Agentur erstellt gemeinsame zentrale Lehrpläne für die Ausbildung von Grenzschutzbeamten und entwickelt diese weiter; sie bietet Schulungen auf europäischer Ebene für die Ausbilder der nationalen Grenzschutzbeamten der Mitgliedstaaten an, in denen auch **die Themen Grundrechte und internationaler Schutz** behandelt werden.

Amendment

Die Agentur erstellt gemeinsame zentrale Lehrpläne für die Ausbildung von Grenzschutzbeamten und entwickelt diese weiter; sie bietet Schulungen auf europäischer Ebene für die Ausbilder der nationalen Grenzschutzbeamten der Mitgliedstaaten an, in denen auch **das Thema der effektiven Abweisung oder Aufgreifung illegaler Grenzgänger unter Achtung der Grundrechte** behandelt wird.

Or. de

Amendment 179

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 180

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No 2007/2004

Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 181

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

Article 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 182

Véronique Mathieu

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Agency may acquire or lease technical

Amendment

The Agency may acquire or lease technical

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

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

Or. en

Amendment 183

Timothy Kirkhope on behalf of the ECR Group

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

patrol vessels or vehicles, to be used in joint operations, the following provisions shall apply:

joint operations, the following provisions shall apply:

Or. en

Amendment 184

Timothy Kirkhope on behalf of the ECR Group

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1 – indent 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 185

Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 1 – indent 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 186
Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 187
Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 2007/2004

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

Text proposed by the Commission

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

Amendment

Qualora, nell'esercizio delle funzioni proprie dell'Agenzia, sia accertata la commissione di reati o di altre attività illecite per le quali lo Stato ospitante prevede un provvedimento di sequestro e/o confisca, l'Agenzia ha la disponibilità, di concerto con lo Stato membro, per l'utilizzo delle attrezzature e/o dei materiali sequestrati e/o confiscati, ove siano rispettate le condizioni di sicurezza e siano motivate le specifiche esigenze per il coerente utilizzo.

Or. it

Justification

La possibilità di fruire di attrezzature tecniche e/o di materiali sequestrati e/o confiscati, in aggiunta a quelli acquistati o presi in locazione, assicura da un lato la disponibilità di attrezzature già operative e dall'altro riduce i costi a carico dell'Agenzia.

Amendment 188
Véronique Mathieu

Proposal for a regulation – amending act
Article 1 – point 8
Regulation (EC) No 2007/2004
Article 7 – paragraph 5 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 189

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

Proposal for a regulation – amending act
Article 1 – point 8
Regulation (EC) No 2007/2004
Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. The Agency shall report on the composition and the deployment of equipment, which is part of the technical equipment pool, to the Management Board on a monthly basis. In case the minimum number of equipment referred to in

6. The Agency shall report on the composition and the deployment of equipment, which is part of the technical equipment pool, to the Management Board on a monthly basis. In case the minimum number of equipment referred to in

paragraph 5 is not reached, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the identified shortcomings. It shall inform the Commission of the identified shortcomings and the steps taken. The Commission *may* subsequently inform the European Parliament and the Council, together with its own assessment.

paragraph 5 is not reached, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the identified shortcomings. It shall inform the Commission of the identified shortcomings and the steps taken. The Commission *shall* subsequently inform the European Parliament and the Council, together with its own assessment.

Or. en

Amendment 190
Rui Tavares, Cornelia Ernst

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

Text proposed by the Commission

(9) Article 8 is *deleted*.

Amendment

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

"Article 8

Obligations under maritime law

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

Or. en

Amendment 191
Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 9

Regulation (EC) No 2007/2004

Article 8

Text proposed by the Commission

(9) Article 8 is *deleted*.

Amendment

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

(a) paragraph 1 is replaced by the following:

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

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

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

Or. en

Amendment 192

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

Proposal for a regulation – amending act

Article 1 – point 10 – point -a (new)

Regulation (EC) No 2007/2004

Article 8 e – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 193

Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 10 – point b

Regulation (EC) No 2007/2004

Article 8 e – paragraph 1 – point i

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 194

Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1) L'Agenzia fornisce agli Stati membri il sostegno necessario con risorse tecniche, strumentali, umane e finanziarie per il coordinamento e l'organizzazione di programmi di rimpatrio volontario.

Justification

E' necessario specificare l'ampiezza del sostegno che deve essere completo al fine di soddisfare ogni possibile necessità degli Stati membri.

Amendment 195

Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph -1 (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 196

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

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC, the Agency shall provide the necessary assistance, ***and upon request of the participating Member States ensure the coordination*** for organising joint return operations of Member States. The Agency may decide to finance or co-finance the

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC, the Agency shall provide the necessary assistance for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in

operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Or. en

Amendment 197

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph 1

Text proposed by the Commission

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC¹⁵, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Amendment

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC¹⁵, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint **voluntary** return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Or. en

Amendment 198
Stavros Lambrinidis

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph 1

Text proposed by the Commission

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC¹⁵, the Agency shall provide the necessary assistance, and upon request of the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Amendment

1. Subject to the return policy of the Union, and in particular Directive 2008/115/EC¹⁵, the Agency shall provide the necessary assistance, and upon request of **all** the participating Member States ensure the coordination for organising joint return operations of Member States. The Agency may decide to finance or co-finance the operations and projects referred to in this paragraph, with grants from its budget in accordance with the financial rules applicable to the Agency. The Agency may also use Union financial means available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect of the Charter of Fundamental Rights.

Or. en

Amendment 199

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

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph 2

Text proposed by the Commission

2. The Agency shall develop a Code of Conduct for the return of illegally present third-country nationals by air which shall apply during all joint return operations

Amendment

2. The Agency shall develop a Code of Conduct for the return of illegally present third-country nationals by air which shall apply during all joint return operations

coordinated by the Agency, describing common standardized procedures which should simplify the organisation of joint return flights and assure return in a humane manner and in full respect for fundamental rights, in particular the principles of human dignity, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data and non discrimination.

coordinated by the Agency, describing common standardized procedures which should simplify the organisation of joint return flights and assure return in a humane manner and in full respect for fundamental rights, in particular the principles of human dignity, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, the rights to the protection of personal data and non discrimination. ***The Code of Conduct shall allow for the suspension of a return where there are reasons to believe that the return would lead to a violation of fundamental rights. In the event of a breach of international and/or Union law, the return shall be suspended.***

Or. en

Amendment 200
Sylvie Guillaume

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

Text proposed by the Commission

3. Le code de conduite tiendra compte en particulier de l'obligation de prévoir un système efficace de contrôle du retour forcé qui figure à l'article 8, paragraphe 6, de la directive 2008/115/CE. Le contrôle des opérations de retour forcé doit être effectué d'une manière indépendante et doit couvrir l'ensemble de l'opération de retour conjointe, de la phase précédant le départ à la remise des personnes renvoyées dans le pays de retour. En outre, les observations du contrôleur relatives au respect du code de conduite et, plus particulièrement, des droits fondamentaux, sont transmises à la Commission et font partie du rapport final relatif à l'opération de retour. Afin de garantir que les opérations de retour forcé

Amendment

3. Le code de conduite tiendra compte en particulier de l'obligation de prévoir un système efficace de contrôle du retour forcé qui figure à l'article 8, paragraphe 6, de la directive 2008/115/CE. Le contrôle des opérations de retour forcé doit être effectué d'une manière indépendante et doit couvrir l'ensemble de l'opération de retour conjointe, de la phase précédant le départ à la remise des personnes renvoyées dans le pays de retour. ***L'Agence veille à ce que les organisations internationales et non gouvernementales compétentes soient associées aux procédures d'éloignement, afin de garantir le respect de la procédure légale.*** En outre, les observations du contrôleur relatives au respect du code de

se déroulent dans la transparence et soient évaluées de façon cohérente, les rapports du contrôleur sont intégrés dans **un** mécanisme de rapports annuels.

conduite et, plus particulièrement, des droits fondamentaux, sont transmises à la Commission et font partie du rapport final relatif à l'opération de retour. Afin de garantir que les opérations de retour forcé se déroulent dans la transparence et soient évaluées de façon cohérente, les rapports du contrôleur sont intégrés dans **le** mécanisme de rapports annuels **visé à l'article 20, paragraphe 2, point b)**.

Or. fr

Justification

Il est nécessaire que des organisations non gouvernementales soient associées à la procédure de retour dans son ensemble, et cela pour garantir la régularité de la procédure et dans l'intérêt supérieur de la personne retournée. Il convient en outre, afin de renforcer la transparence et la supervision démocratique des opérations de retour coordonnées par Frontex, d'assurer que les observations des contrôleurs indépendants soient intégrées dans le rapport annuel général de l'Agence, lequel, conformément à l'article 20(2)(b) du règlement, est rendu public.

Amendment 201

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

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph 3

Text proposed by the Commission

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until the **hand-over** of the **returnees** in the country of return. Furthermore, observations of the monitor,

Amendment

3. The Code of Conduct will in particular pay attention to the obligation set out in Article 8(6) of Directive 2008/115/EC to provide for an effective forced-return monitoring system. The monitoring of joint return operations should be carried out independently and should cover the whole joint return operation from the pre-departure phase until **a follow up of the situation of the returnee has been conducted** in the country of return,

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

especially with regard to how they were received at the arrival point, how they were treated by the third-country authorities and whether they were arrested. Personnel in charge of monitoring shall have access to all relevant facilities, including detention centres and aircraft, and receive the necessary training to perform their duties. Furthermore, observations of the monitor, which shall cover the compliance with the Code of Conduct and in particular fundamental rights, shall be made available to the Commission and form part of the internal Final Return Operation Report. In order to ensure transparency and a coherent evaluation of the forced-return operations, reports of the monitor shall be included in an annual reporting mechanism.

Or. en

Amendment 202

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

Proposal for a regulation – amending act

Article 1 – point 12

Regulation (EC) No 2007/2004

Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 203

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

Proposal for a regulation – amending act

Article 1 – point 13

Regulation (EC) No 2007/2004

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 204

Andreas Mölzer, Franz Obermayr

Proposal for a regulation – amending act

Article 1 – point 13 a (new)

Regulation (EC) No 2007/2004

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

(13a) Artikel 10 Absatz 3 erhält folgende Fassung:

"3. Den Einsatzmitgliedstaaten wird empfohlen, den Grenzschutzbeamten der Agentur entsprechende Exekutivrechte einzuräumen, die sie befähigen, die Ihnen übertragenen Aufgaben effektiv zu erfüllen."

Or. de

Justification

Die Frontex-Beamten sollten möglichst effektiv und wirksam eingesetzt werden. Die Übertragung von Exekutivrechten kann dabei einen wesentlichen Beitrag leisten.

Amendment 205

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

Proposal for a regulation – amending act

Article 1 – point 13 a (new)

Regulation (EC) No 2007/2004

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 206

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 13 b (new)

Regulation (EC) No 2007/2004

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

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

"4. Guest officers shall wear their own uniform while performing their tasks"

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

Or. en

Amendment 207

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

Proposal for a regulation – amending act

Article 1 – point 13 c (new)

Regulation (EC) No 2007/2004

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 208

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

Proposal for a regulation – amending act

Article 1 – point 13 d (new)

Regulation (EC) No 2007/2004

Article 10 – paragraph 7

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 209

Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 15

Regulation (EC) No 2007/2004

Article 11 a (new)

Text proposed by the Commission

Le conseil d'administration fixe les modalités d'application du règlement (CE) n° 45/2001 par l'Agence, y compris celles concernant le délégué à la protection des données de l'Agence.

Amendment

Le conseil d'administration fixe les modalités d'application du règlement (CE) n° 45/2001 par l'Agence, y compris celles concernant le délégué à la protection des données de l'Agence. ***Les modalités d'application comprennent notamment des dispositions relatives à l'information et aux droits de la personne concernée en matière de protection des données à caractère personnel conformément aux articles 11 et 12 et 13 à 19 dudit règlement.***

Or. fr

Justification

Les modalités d'application doivent aussi contenir des dispositions permettant aux personnes dont les données à caractère personnel ont été collectées, traitées ou communiquées par l'Agence d'avoir accès à ces informations et de pouvoir exercer leurs droits d'accès, à la rectification des données à caractère personnel, etc., conformément au règlement (CE) 45/2001.

Amendment 210

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 15 a (new)

Regulation (EC) No 2007/2004

Article 11 a a (new)

Text proposed by the Commission

Amendment

(15 a) The following Article is inserted:

"Article 11aa

Protection of personal data

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

Or. en

Amendment 211

Simon Busuttil, Salvatore Iacolino

Proposal for a regulation – amending act

Article 1 – point 15 a (new)

Regulation (EC) No 2007/2004

Article 11 a a (new)

Text proposed by the Commission

Amendment

(15 a) The following Article is inserted:

"Article 11aa

Processing of personal data

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

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

3. The processing of personal data by the Agency shall be limited to data received from other Union agencies and to

personal data obtained during joint operations or pilot projects or rapid border intervention missions regarding persons who are suspected on reasonable grounds of involvement in cross-border criminal activities, in illegal migration activities or in human trafficking activities as defined in Article 1(1)(a) and (b) of Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence¹, persons who are victims of such activities and whose data may lead to the perpetrators of such illegal activities as well as persons who are subject to return operations in which the Agency is involved.

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

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

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

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

Or. en

Amendment 212

Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 15

Regulation (EC) No 2007/2004

Article 11 b (new) – paragraph 2

Text proposed by the Commission

2. L'Agence applique les principes de sécurité relatifs au traitement des informations sensibles non classifiées tels qu'adoptés et mis en œuvre par la Commission européenne.

Amendment

2. L'Agence applique les principes de sécurité relatifs au traitement des informations sensibles non classifiées tels qu'adoptés et mis en œuvre par la Commission *et développe en conséquence sa propre politique de sécurité de manière détaillée. Cette politique de sécurité est soumise pour approbation à la Commission et est communiquée au Parlement européen.*

Or. fr

Justification

Il convient que ces principes s'articulent dans le cadre d'une "politique".

Amendment 213

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 13 – title

Text proposed by the Commission

Coopération avec les agences, organes et organismes de l'Union européenne et les organisations internationales

Amendment

Coopération avec les agences, organes et organismes de l'Union européenne et les organisations internationales *et autres*

Justification

Il est nécessaire d'élargir le type d'organisations avec lesquelles l'Agence peut coopérer afin que celle-ci bénéficie de l'expertise et du savoir-faire d'un plus grand nombre d'organisations.

Amendment 214
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 13

Text proposed by the Commission

L'Agence peut coopérer avec Europol, le Bureau européen d'appui en matière d'asile, l'Agence des droits fondamentaux, d'autres agences, organes et organismes de l'Union européenne et les organisations internationales compétentes dans les domaines régis par le présent règlement, dans le cadre d'accords de travail conclus avec ces entités, conformément aux dispositions pertinentes du traité et aux dispositions relatives à la compétence de ces entités.

Amendment

L'Agence peut coopérer avec Europol, le Bureau européen d'appui en matière d'asile, l'Agence des droits fondamentaux *de l'Union européenne*, d'autres agences, organes et organismes de l'Union européenne et les organisations internationales ***et autres organisations*** compétentes dans les domaines régis par le présent règlement, dans le cadre d'accords de travail conclus avec ces entités, conformément aux dispositions pertinentes du traité et aux dispositions relatives à la compétence de ces entités. ***L'Agence en informe de manière systématique et sans délai le Parlement européen.***

Justification

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

Amendment 215
Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 13

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 216

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 13

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 217

Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 13

Text proposed by the Commission

L'Agence peut coopérer avec Europol, le Bureau européen d'appui en matière d'asile, l'Agence des droits fondamentaux, d'autres

Amendment

L'Agence peut coopérer avec Europol, le Bureau européen d'appui en matière d'asile, l'Agence des droits fondamentaux *de*

agences, organes et organismes de l'Union européenne et les organisations internationales compétentes dans les domaines régis par le présent règlement, dans le cadre d'accords de travail conclus avec ces entités, conformément aux dispositions pertinentes du traité et aux dispositions relatives à la compétence de ces entités.

*l'Union européenne, d'autres agences, organes et organismes de l'Union européenne et les organisations internationales compétentes dans les domaines régis par le présent règlement, dans le cadre d'accords de travail conclus avec ces entités, conformément aux dispositions pertinentes du traité et aux dispositions relatives à la compétence de ces entités. **Les échanges d'informations que peuvent permettre ces coopérations ne comprennent pas les échanges d'informations à caractère personnel.***

Or. fr

Justification

Les données à caractère personnel sont des données sensibles. Les échanges de données à caractère personnel ne peuvent pas faire partie des coopérations de l'Agence et sont par conséquent interdits.

Amendment 218 **Sylvie Guillaume**

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

Text proposed by the Commission

1. Pour les questions qui relèvent de ses activités et dans la mesure nécessaire à l'accomplissement de ses tâches, l'Agence facilite la coopération opérationnelle entre les États membres et les pays tiers, dans le cadre de la politique de l'Union européenne en matière de relations extérieures, y compris en ce qui concerne les droits de l'homme.

Amendment

1. Pour les questions qui relèvent de ses activités et dans la mesure nécessaire à l'accomplissement de ses tâches, l'Agence facilite la coopération opérationnelle entre les États membres et les pays tiers, dans le cadre de la politique de l'Union européenne en matière de relations extérieures, y compris en ce qui concerne les droits de l'homme. ***La mise en place d'une coopération avec les pays tiers permet de promouvoir les normes européennes en matière de gestion des frontières, notamment le respect des droits fondamentaux et de la dignité humaine.***

Amendment 219

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 220

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

Text proposed by the Commission

2. L'Agence peut déployer des officiers de liaison, qui doivent bénéficier du plus haut niveau de protection dans l'exercice de leurs fonctions, dans les pays tiers. Ces officiers de liaison appartiennent aux réseaux de coopération locaux ou régionaux des États membres mis en place conformément au règlement (CE) n° 377/2004 du Conseil. Les officiers de

Amendment

2. L'Agence peut déployer des officiers de liaison, qui doivent bénéficier du plus haut niveau de protection dans l'exercice de leurs fonctions, dans les pays tiers. ***L'Agence en informe le Parlement européen de manière systématique et sans délai, comprenant également la description de leurs fonctions.*** Ces officiers de liaison appartiennent aux

liaison ne sont déployés que dans les pays tiers dont les pratiques en matière de gestion des frontières respectent **des normes minimales** de protection des droits **de l'homme**. Ils doivent être déployés en priorité dans les pays tiers constituant, selon les analyses de risques, des pays d'origine ou de transit dans le cadre de l'immigration **illégal**. Réciproquement, l'Agence peut également accueillir des officiers de liaison détachés par ces pays tiers pour une période limitée. Le conseil d'administration adopte annuellement, sur proposition du directeur exécutif, la liste des priorités conformément aux dispositions de l'article 24.

réseaux de coopération locaux ou régionaux des États membres mis en place conformément au règlement (CE) n° 377/2004 du Conseil du 19 février 2004 relatif à la création d'un réseau d'officiers de liaison "Immigration". Les officiers de liaison ne sont déployés que dans les pays tiers dont les pratiques en matière de gestion des frontières respectent **les droits fondamentaux et les obligations en matière de protection internationale des réfugiés. Préalablement à leur déploiement, les officiers de liaison reçoivent une formation relative aux dispositions pertinentes du droit de l'Union et du droit international, y compris en matière de droits fondamentaux et d'accès à la protection internationale**. Ils doivent être déployés en priorité dans les pays tiers constituant, selon les analyses de risques, des pays d'origine ou de transit dans le cadre de l'immigration **irrégulière**. Réciproquement, l'Agence peut également accueillir des officiers de liaison détachés par ces pays tiers pour une période limitée. Le conseil d'administration adopte annuellement, sur proposition du directeur exécutif, la liste des priorités conformément aux dispositions de l'article 24. **Le Parlement européen est régulièrement informé des activités des officiers de liaison déployés par l'Agence.**

Or. fr

Justification

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

Amendment 221

Rui Tavares, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 222

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 223

Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 2

Text proposed by the Commission

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third

Amendment

2. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third

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

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

Or. en

Amendment 224
Stavros Lambrinidis

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

Text proposed by the Commission

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

Amendment

2. **When Member States are not sufficiently represented, the** Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' liaison officers set up pursuant to Council Regulation No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards. Priority for deployment should be given to those third countries, which on the basis of risk analysis constitute a country of origin

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

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

Or. en

Amendment 225
Cecilia Wikström

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 226

Birgit Sippel

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 227

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

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

3. The tasks of the liaison officers shall include, in compliance with European Union law and in accordance with fundamental rights, ***with special regard to the right of everyone to leave a country, including his or her own, and international protection obligations, with special regard to respect for the principle of non-refoulement, the*** establishment and

of illegal migrants.

maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to contribute to the prevention of and fight against *irregular* immigration and the return of illegal migrants.

Or. en

Amendment 228

Cornelia Ernst, Rui Tavares

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 229

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

Text proposed by the Commission

3. Les tâches des officiers de liaison comprennent, conformément au droit de l'Union européenne et aux droits

Amendment

3. Les tâches des officiers de liaison comprennent, conformément au droit de l'Union européenne et aux droits

fondamentaux, l'établissement et le maintien de contacts avec les autorités compétentes du pays tiers dans lequel ils sont détachés en vue de contribuer à la prévention de l'immigration *illégale*, à la lutte contre ce phénomène et au retour des migrants *illégaux*.

fondamentaux, l'établissement et le maintien de contacts avec les autorités compétentes du pays tiers dans lequel ils sont détachés en vue de contribuer à la prévention de l'immigration *irrégulière*, à la lutte contre ce phénomène et au retour des migrants *irréguliers*.

Or. fr

Justification

On parlera de "séjour illégal", de "séjour en situation irrégulière" ou encore d'"immigration clandestine", mais il n'est pas approprié de parler d'"immigration illégale".

Amendment 230
Cecilia Wikström

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 231

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 232

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

Text proposed by the Commission

4. L'Agence peut bénéficier d'un financement de l'Union conformément aux dispositions des instruments pertinents appuyant la politique de l'Union en matière de relations extérieures. Elle peut lancer et

Amendment

4. L'Agence peut bénéficier d'un financement de l'Union conformément aux dispositions des instruments pertinents appuyant la politique de l'Union en matière de relations extérieures. Elle peut lancer et

financer des projets d'assistance technique dans des pays tiers concernant des matières couvertes par le présent règlement. L'Agence peut également inviter des représentants de pays tiers, d'autres agences, organes et organismes de l'Union européenne ou d'organisations internationales à participer à ses activités mentionnées aux articles 3, 4 et 5. Ces représentants se voient offrir une formation appropriée par l'Agence avant leur participation.

financer des projets d'assistance technique dans des pays tiers concernant des matières couvertes par le présent règlement, ***pour autant que les pays tiers concernés respectent dans leurs pratiques en matière de gestion des frontières les droits fondamentaux et les obligations en matière de protection internationale des réfugiés.*** L'Agence peut également inviter des représentants de pays tiers, d'autres agences, organes et organismes de l'Union européenne ou d'organisations internationales ***et autres organisations expertes*** à participer à ses activités mentionnées aux articles 3, 4 et 5. Ces représentants se voient offrir une formation appropriée par l'Agence avant leur participation.

Or. fr

Justification

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

Amendment 233

Georgios Papanikolaou

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

Text proposed by the Commission

4. The Agency may benefit from Union funding in accordance with the provisions

Amendment

4. The Agency may benefit from Union funding in accordance with the provisions

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

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

Or. en

Amendment 234
Stavros Lambrinidis

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 235

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 236

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 5

Text proposed by the Commission

5. Lorsqu'ils concluent des accords bilatéraux avec des pays tiers conformément à l'article 2, paragraphe 2, les États membres prévoient, le cas échéant, des dispositions relatives au rôle et aux compétences de l'Agence, notamment en ce qui concerne l'exercice de pouvoirs exécutifs par des membres des

Amendment

5. Lorsqu'ils concluent des accords bilatéraux avec des pays tiers conformément à l'article 2, paragraphe 2, les États membres prévoient, le cas échéant, des dispositions relatives au rôle et aux compétences de l'Agence, notamment en ce qui concerne l'exercice de pouvoirs exécutifs par des membres des

équipes déployées par l'Agence durant les activités visées à l'article 3.

équipes déployées par l'Agence durant les activités visées à l'article 3, ***pour autant que les dispositions applicables soient compatibles avec le cadre juridique dans lequel l'Agence fonctionne. L'Agence en informe, de manière systématique et sans délai, le Parlement européen.***

Or. fr

Justification

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

Amendment 237

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty, ***and in particular of the Charter of Fundamental Rights of the European Union and international law, with special regard to compliance with the non-refoulement principle. Those arrangements shall guarantee compliance with international human rights and***

humanitarian law by third countries. A human rights assessment, including of the right to seek asylum, shall be carried out prior to the conclusion of such working arrangements and shall be reported to the European Parliament and the Commission

Or. en

Amendment 238

Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 6

Text proposed by the Commission

6. L'Agence peut coopérer avec les autorités de pays tiers compétentes dans les domaines régis par le présent règlement, dans le cadre d'accords de travail conclus avec ces autorités, conformément aux dispositions pertinentes du traité.

Amendment

6. L'Agence peut coopérer avec les autorités de pays tiers compétentes dans les domaines régis par le présent règlement, dans le cadre d'accords de travail conclus avec ces autorités, conformément aux dispositions pertinentes du traité, ***pour autant que les pays tiers concernés respectent, dans leurs pratiques en matière de gestion des frontières, les droits fondamentaux et les obligations en matière de protection internationale des réfugiés. L'Agence en informe, de manière systématique et sans délai, le Parlement européen.***

Or. fr

Justification

Il est nécessaire d'exiger explicitement que les opérations de l'Agence en dehors du territoire de l'UE ou dans un pays tiers soient compatibles avec le cadre juridique dans lequel l'Agence fonctionne, notamment en matière de respect des droits de l'homme. Il convient par ailleurs de renforcer la transparence et le contrôle démocratique quant à la coopération de l'Agence avec les autorités de pays tiers.

Amendment 239
Stavros Lambrinidis

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 240
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 bis. Toute coopération avec des pays tiers ou avec leurs autorités compétentes exclut les échanges de données à caractère personnel.

Or. fr

Justification

Les données à caractère personnel sont des données sensibles. Les échanges de données à caractère personnel ne peuvent pas faire partie des coopérations de l'Agence avec des pays tiers et leurs autorités compétentes et sont par conséquent interdits.

Amendment 241
Ernst Strasser

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 7

Text proposed by the Commission

Amendment

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

Or. en

Amendment 242

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

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 7

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 243
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 16

Regulation (EC) No 2007/2004

Article 14 – paragraph 7

Text proposed by the Commission

7. Les activités visées aux paragraphes 2 et 6 doivent recevoir au préalable l'avis favorable de la Commission.

Amendment

7. Les activités visées aux paragraphes 2, 5 et 6 doivent recevoir au préalable l'avis favorable de la Commission ***et faire l'objet d'une consultation du Parlement européen.***

Or. fr

Justification

Il est indispensable que la Commission puisse également se prononcer sur toute participation de l'Agence à des activités dans le cadre d'accords bilatéraux avec des pays tiers. Il convient par ailleurs qu'outre son information systématique et sans délai sur les activités visées aux paragraphes 2, 5 et 6, le Parlement européen soit dûment consulté.

Amendment 244

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

Proposal for a regulation – amending act

Article 1 – point 16 a (new)

Regulation (EC) No 2007/2004

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 245

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

Proposal for a regulation – amending act

Article 1 – point 19 a (new)

Regulation (EC) No 2007/2004

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 246

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

Proposal for a regulation – amending act

Article 1 – point 19 b (new)

Regulation (EC) No 2007/2004

Article 19 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 247

Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation – amending act

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

Regulation (EC) No 2007/2004

Article 20 – paragraph 2 – point b

Text proposed by the Commission

Amendment

-i) Le point b) est remplacé par le texte suivant:

'b) adopte, avant le 31 mars de chaque année, le rapport général de l'Agence de l'année précédente et le transmet le 15 juin au plus tard au Parlement européen, au Conseil, à la Commission, au Comité économique et social européen et à la Cour des comptes. Le rapport général de l'Agence fait le point sur le respect des obligations en matière de droits fondamentaux, notamment en ce qui concerne les demandes d'asile et de protection internationale et la protection des données à caractère personnel. Le rapport général est rendu public;'

Or. fr

Justification

Il convient de préciser que le rapport doit aussi porter sur le respect par l'Agence des obligations en matière des droits fondamentaux.

Amendment 248

Ernst Strasser

Proposal for a regulation – amending act

Article 1 – point 20 – point a – point i

Regulation (EC) No 2007/2004

Article 20 – paragraph 2 – point h

Text proposed by the Commission

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

Amendment

(h) establish the organisational structure of the Agency and adopt the Agency's staff policy, in particular the multi-annual staff policy plan in accordance with the relevant provisions of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation.

Or. en

Amendment 249
Cecilia Wikström

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

Text proposed by the Commission

Amendment

(22a) The following Article is inserted:

"Article 26a

Advisory Board on Fundamental Rights

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

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

3. The Advisory Board shall have access to the evaluation reports of the joint operations and pilot projects referred to in

Article 3(4) and the Return Operation Reports referred to in Article 9(3).

It shall also be consulted when the Agency develops the Code of Conduct referred to in Article 9(2) and the common core curricula referred to in Article 5.

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

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

Or. en

Justification

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

Amendment 250

Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat

Proposal for a regulation – amending act

Article 1 – point 23

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

deleted

Amendment 251

Anna Maria Corazza Bildt

Proposal for a regulation – amending act

Article 1 – point 23

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 252

Ernst Strasser

Proposal for a regulation – amending act

Article 1 – point 23

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 253
Sylvie Guillaume

Proposal for a regulation – amending act

Article 1 – point 23

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 b (new)

Text proposed by the Commission

2 ter. L'évaluation comprend une analyse spécifique de la manière dont la charte des droits fondamentaux a été respectée conformément au règlement.

Amendment

2 ter. L'évaluation comprend une analyse spécifique de la manière dont la charte des droits fondamentaux a été respectée conformément au règlement. ***Cette évaluation s'appuie notamment sur les observations des contrôleurs indépendants.***

Or. fr

Justification

Comme énoncé dans la Résolution du Parlement européen du 18 décembre 2008 sur l'évaluation et le développement futur de l'agence FRONTEX et du système européen de surveillance des frontières EUROSUR (2008/2157(INI)), il est indispensable d'"évaluer dans le détail l'impact des activités de FRONTEX sur les libertés et les droits fondamentaux, notamment au regard de la responsabilité de protéger".

Amendment 254

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

Proposal for a regulation – amending act

Article 1 – point 23

Regulation (EC) No 2007/2004

Article 33 – paragraph 2 b (new)

Text proposed by the Commission

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

Amendment

2b. The evaluation shall include a specific analysis ***of*** the way ***in which*** the ***rights enshrined in the*** Charter of Fundamental Rights ***were*** respected pursuant to the application of ***this*** Regulation. ***That analysis shall be carried out in cooperation with the Fundamental Rights***

Agency, and include the participation of UNHCR and non-governmental organisations with relevant expertise. An annual evaluation of that analysis shall be annexed to the Agency's general report.

Or. en