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Committee on Civil Liberties, Justice and Home Affairs

2013/0106(COD)

31.10.2013

AMENDMENTS

31 - 207

Draft report

Carlos Coelho

(PE516.895v02-00)

on the proposal for a regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union

Proposal for a regulation

(COM(2013)0197 – C7-0098/2013 – 2013/0106(COD))

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PE522.849v01-00

EN

United in diversity

EN

Amendment 31

Salvatore Iacolino, Marco Scurria, Roberta Angelilli, Véronique Mathieu Houillon

Draft legislative resolution

Citation 4 a (new)

Draft legislative resolution

Amendment

– having regard to its resolution of 23 October 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken^{1a}, with particular reference to the fight against human trafficking and death traffickers,

^{1a} *Texts adopted, P7_TA(2013)0444.*

Or. it

Amendment 32

Josef Weidenholzer

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) The objective of Union policy in the field of the Union external borders is to ensure the efficient monitoring of ***the crossing of*** external borders ***including through border surveillance***. The purpose of border surveillance is to prevent unauthorised border crossings, to counter cross-border criminality and to ***apprehend or take other measures*** against those persons who have crossed the border in an irregular manner. Border surveillance should ***be effective in preventing and discouraging*** persons ***from circumventing the*** checks at border crossing points. ***To this end***, border surveillance ***is not limited to the detection of*** attempts at irregular

(1) The objective of Union policy in the field of the Union external borders is to ensure the efficient monitoring of external borders ***and protect lives at those borders***. The purpose of border surveillance is to prevent unauthorised border crossings, to counter cross-border criminality and to ***take legal action*** against persons who have crossed the border in an irregular manner. Border surveillance should ***ensure that*** persons ***cannot circumvent*** checks at border crossing points. Border surveillance ***extends to detecting*** attempts at irregular border crossing, ***to action*** such as intercepting ships suspected of trying to gain entry to the Union without submitting

border crossing *but equally extends to steps* such as intercepting ships suspected of trying to gain entry to the Union without submitting to border checks, as well as *arrangements intended to address situations such as search and rescue that may arise during a border surveillance operation at sea and arrangements intended to bring such an operation to a successful conclusion.*

to border checks, *and to search-and-rescue operations.*

Or. de

Justification

Search-and-rescue operations should be a major component of border surveillance action. The call for greater focus on rescue at sea also follows on from the joint resolution of 23 October 2013 on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa (2013/2827(RSP)).

Amendment 33 **Monica Luisa Macovei**

Proposal for a regulation **Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) Legal harmonisation over the obligations regarding persons in need of international protection is essential for joint Union action in order to save human lives and ensure the security of the Union.

Or. en

Amendment 34 **Mario Borghezio**

Proposal for a regulation **Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) Under Article 80 of the Treaty on the Functioning of the European Union, according to which the policies of the Union relating to border checks, asylum and immigration and their implementation are governed by the principle of solidarity and fair sharing of responsibility between the Member States, binding rules need to be introduced to ensure that migrants who reach the shores of Mediterranean countries are divided equally among the 28 EU Member States in the name of the principle of solidarity and burden sharing.

Or. it

Amendment 35
Monica Luisa Macovei

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) The lack of a Union burden sharing system also contributes to the overburdening of the Member States bordering the Mediterranean Sea.

Or. en

Amendment 36
Josef Weidenholzer

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The European Agency for the

(2) The European Agency for the

Management of Operational Cooperation at the External Borders of the Member States of the European Union ('the Agency') established by Council Regulation (EC) No 2007/2004 of 26 October 2004¹³ is responsible for the coordination of operational cooperation between Member States in the field of management of the external borders, including as regards border surveillance. The Agency is also responsible to assist Member States in circumstances requiring increased technical assistance at the external borders, taking into account that some situations *may* involve humanitarian emergencies and rescue at sea. Specific rules with regard to border surveillance activities carried out by maritime and aerial units of one Member State at the sea border of other Member States or on the high seas in the context of operational cooperation coordinated by the Agency are necessary to further strengthen such cooperation.

¹³ OJ L 349, 25.11.2004, p. 1.

Management of Operational Cooperation at the External Borders of the Member States of the European Union ('the Agency') established by Council Regulation (EC) No 2007/2004 of 26 October 2004¹³ is responsible for the coordination of operational cooperation between Member States in the field of management of the external borders, including as regards border surveillance. The Agency is also responsible to assist Member States in circumstances requiring increased technical assistance at the external borders, taking into account that some situations involve humanitarian emergencies and rescue at sea. Specific rules with regard to border surveillance activities carried out by maritime and aerial units of one Member State at the sea border of other Member States or on the high seas in the context of operational cooperation coordinated by the Agency are necessary to further strengthen such cooperation.

¹³ OJ L 349, 25.11.2004, p. 1.

Or. de

Justification

Search-and-rescue operations should be a major component of border surveillance action. The call for greater focus on rescue at sea also follows on from joint resolution 2013/2827(RSP).

Amendment 37 **Cecilia Wikström**

Proposal for a regulation **Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) Cooperation with neighbouring third countries is crucial to prevent

unauthorised border crossings and to counter cross-border criminality. In accordance with Regulation (EC) No 2007/2004 and insofar as the full respect for the fundamental rights of migrants in the third countries is ensured, the Agency may cooperate with the competent authorities of third countries, in particular as regards risk analysis and training, and should facilitate operational cooperation between Member States and third countries.

Or. en

Justification

The suggested new recital by the Rapporteur (Amendment 2) is good, but could be further strengthened with a reference to that cooperation with third countries in migration control must ensure the respect for the migrants' fundamental rights.

Amendment 38 **Franziska Keller**

Proposal for a regulation **Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) Cooperation with neighbouring third countries should fully respect the fundamental rights of migrants, including in the third countries. The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from their international obligations under the principle of non-refoulement.

Or. en

Amendment 39 **Josef Weidenholzer**

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Cooperation with neighbouring third countries is conducive to preventing unauthorised border crossings, countering cross-border criminality and making search-and-rescue operations in the Mediterranean more efficient. Such cooperation should also encourage compliance with European border management standards, above all as regards observing fundamental rights. Pursuant to Regulation (EC) No 2007/2004, the Agency may cooperate with the competent authorities of third countries, in particular in the areas of risk analysis and training. Furthermore, provided it is ensured that fundamental rights and international law are complied with and that refugees are protected, it should facilitate operational cooperation between Member States and third countries.

Or. de

Justification

On the basis of joint resolution 2013/2827(RSP), cooperation should be stepped up with third countries which ensure that fundamental rights and international law are complied with and that refugees are protected, in order to prevent tragic events such as what occurred off Lampedusa.

Amendment 40
Mario Borghezio

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Bilateral agreements between the Member States most affected by migrant landings and third countries of origin are essential in order to prevent illegal crossings of external maritime borders, with the aim, inter alia, of avoiding tragedies at sea and trafficking in human beings.

Or. it

Amendment 41
Josef Weidenholzer

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) The establishment of the European Border Surveillance System (EUROSUR) established by Regulation (EU) No [.../...] of the European Parliament and of the Council of [...] should strengthen the information exchange and operational cooperation between Member States and with the Agency. This ensures that the situational awareness and reaction capability of Member States improves considerably, also with the support of the Agency, for the purposes of detecting and preventing irregular migration, for combating cross-border crime and for contributing to **protect** and save the lives of **migrants** at their external borders. When coordinating border surveillance operations, the Agency should provide Member States with information and analysis concerning these operations.

(3) The establishment of the European Border Surveillance System (EUROSUR) established by Regulation (EU) No [.../...] of the European Parliament and of the Council of [...] should strengthen the information exchange and operational cooperation between Member States and with the Agency. This ensures that the situational awareness and reaction capability of Member States improves considerably, also with the support of the Agency, for the purposes of detecting and preventing irregular migration, for combating cross-border crime and, above all, for contributing to **protecting individuals** and **saving** lives at their external borders. When coordinating border surveillance operations, the Agency should provide Member States with information and analysis concerning these operations.

Or. de

Amendment 42

Salvatore Iacolino, Marco Scurria, Roberta Angelilli

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The establishment of the European Border Surveillance System (EUROSUR) established by Regulation (EU) No [.../...] of the European Parliament and of the Council of [...] should strengthen the information exchange and operational cooperation between Member States and with the Agency. This ensures that the situational awareness and reaction capability of Member States improves considerably, also with the support of the Agency, for the purposes of detecting and preventing irregular migration, for combating cross-border *crime* and for contributing to protect and save the lives of migrants at their external borders. When coordinating border surveillance operations, the Agency should provide Member States with information and analysis concerning these operations.

Amendment

(3) The establishment of the European Border Surveillance System (EUROSUR) established by Regulation (EU) No [.../...] of the European Parliament and of the Council of [...] should strengthen the information exchange and operational cooperation between Member States and with the Agency. This ensures that the situational awareness and reaction capability of Member States improves considerably, also with the support of the Agency, for the purposes of detecting and preventing irregular migration, for combating *human trafficking by cross-border criminal organisations* and for contributing to protect and save the lives of migrants at their external borders. When coordinating border surveillance operations, the Agency should provide Member States with information and analysis concerning these operations.

Or. it

Justification

Criminal organisations control and manage human trafficking; Frontex and the Member States therefore play a crucial role in combating such trafficking successfully.

Amendment 43

Josef Weidenholzer

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) During border surveillance operations, Member States and the Agency should respect their obligations under the United Nations 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, the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant international instruments.

Amendment

(4) During border surveillance operations, Member States and the Agency should respect their obligations under the United Nations 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, the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant international instruments. ***Any breach of those obligations should be investigated and, if necessary, penalised.***

Or. de

Amendment 44
Anna Maria Corazza Bildt

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) During border surveillance operations, Member States and the Agency should respect their obligations under the United Nations 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, the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea

Amendment

(4) During border surveillance operations, Member States and the Agency should respect their obligations under the United Nations 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, the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea

and Air, the Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant international instruments.

and Air, the Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *the UN Convention on the Right of the Child* and other relevant international instruments.

Or. en

Amendment 45
Josef Weidenholzer

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)¹⁴ and general principles of Union law, any measure taken in the course of a surveillance operation should be proportionate to the objectives pursued, non-discriminatory and it should fully respect human dignity, fundamental rights **and** the rights of refugees and asylum seekers, **including** the principle of non-refoulement. Member States and the Agency are bound by the provisions of **the** asylum **acquis**, and in particular of **Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status**¹⁵ with regard to applications for **asylum** made in the territory, including at the border or in the transit zones of Member

Amendment

(5) In accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)¹⁴ and general principles of Union law, any measure taken in the course of a surveillance operation should be proportionate to the objectives pursued, non-discriminatory and it should fully respect human dignity, fundamental rights, the rights of refugees and asylum seekers **and** the principle of non-refoulement. Member States and the Agency are bound by the provisions of asylum **law**, and in particular of Directive **2013/32/EU of the European Parliament and of the Council** with regard to applications for international protection made in the territory, including at the border, **in the territorial waters** or in the transit zones of Member States **or on the high seas**.

States.

¹⁴ OJ L 105, 13.4.2006, p. 1.

¹⁴ OJ L 105, 13.4.2006, p. 1.

¹⁵ *OJ L 326, 13.12.2005, p. 13.*

Or. de

Justification

The judgment of the European Court of Human Rights on Application No 27765/09 (Hirsi Jamaa and others) makes it clear that requests for international protection made on the high seas must also be individually assessed.

Amendment 46
Josef Weidenholzer

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) This Regulation should be applied in full compliance with the principle of non-refoulement, according to which no-one may be turned away, removed, deported or extradited or otherwise forced or prevailed upon to enter a country where there is a risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or where his or her life or freedom would be threatened on account of his or her origins, race, religion, nationality, gender, sexual orientation, membership of a particular social group or family, or political or philosophical beliefs. The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from their obligations under international and Union law, in particular as regards compliance with the principle of non-refoulement.

Justification

The definition of the principle of non-refoulement should be as consistent as possible with existing definitions given in the Charter of Fundamental Rights, the Geneva Convention on the Status of Refugees and the Hirsi Jamaa judgment of the European Court of Human Rights.

Amendment 47
Cecilia Wikström

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The principle of non-refoulement should be applied in full compliance with Union law and relevant international law and jurisprudence, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment, the 1951 Geneva Refugee Convention, and other relevant instruments of international law as well as the EU Charter of Fundamental Rights.

Justification

Since the text often refers to the principle of non-refoulement, there should be a fully-fledged definition of the principle included.

Amendment 48
Cecilia Wikström

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) This Regulation should be applied in full compliance with the principle of non-refoulement, according to which no one may be removed, expelled or extradited to a country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion; or where there are substantial grounds to believe there is a real risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or any serious violations of their human rights; or where that he or she may be removed, expelled or extradited to another country in breach of the principle of non-refoulement.

Or. en

Justification

The proposed new recital by the Rapporteur (Amendment 4) is good, but can be further strengthened with the complete definition of non-refoulement.

Amendment 49
Cecilia Wikström

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from *those* obligations *whenever they are aware or ought to be aware that systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that third* country

(6) The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from *their international* obligations *under the principle of non-refoulement according to which no persons shall be expelled to any country, territory or other place where they* would face a real risk of

amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhuman or degrading treatment or where they are aware or ought to be aware that this third country is engaged in practices in contravention of the principle of non-refoulement.

being subjected to *torture or inhuman and degrading treatment or punishment or the death penalty or any other serious violation of their human rights.*

Or. en

Justification

This recital should not only refer to asylum seekers since the principle of non-refoulement protect also other categories.

Amendment 50 Marie-Christine Vergiat

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from *those* obligations *whenever they are aware or ought to be aware that systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that third country amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhuman or degrading treatment or where they are aware or ought to be aware that this third country is engaged in practices in contravention of the principle of non-refoulement.*

Amendment

(6) The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from their obligations *under international law or Union law, in particular as regards non-refoulement. Accordingly, returning an asylum seeker or a person wishing to request asylum to a third country can only be a highly exceptional measure. Under no circumstances may it be taken if the reception conditions for asylum seekers in that third country do not make it possible for the person to apply for asylum, or for an application to be processed within a reasonable period, or* amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhuman or degrading treatment or where they are aware or ought to be aware that this third country is

engaged in practices in contravention of the principle of non-refoulement.

Or. fr

Amendment 51
Josef Weidenholzer

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from *those* obligations whenever they are aware or ought to be aware that *systemic* deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that third country *amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhuman or degrading treatment* or where they are aware or ought to be aware that this third country is engaged in practices in contravention of the principle of non-refoulement.

Amendment

(6) The possible existence of an arrangement between a Member State and a third country cannot absolve Member States from *their obligations under international and Union law, in particular as regards compliance with the principle of non-refoulement*, whenever they are aware or ought to be aware that deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that third country *do not make it possible to conduct an individual, fair and effective assessment* or where they are aware or ought to be aware that this third country is engaged in practices in contravention of the principle of non-refoulement. *Units deployed by Member States or the Agency must also be guided by the provisions of Union law and international law in instances where operations take place in the territorial waters of third countries and those countries apply other rules.*

Or. de

Justification

Vulnerable persons should not be deported to countries where there is no suitable procedure for requesting international protection.

Amendment 52
Salvatore Iacolino, Marco Scurria, Roberta Angelilli

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Agreements on the integrated management of migration flows between the European Union and the countries of origin and transit of migrants should be complementary to the surveillance of external borders and help to increase the protection of fundamental rights.

Or. it

Justification

The promotion of bilateral agreements between the EU and individual third countries of origin and transit is a priority that was already referred to in the European Parliament resolution of 23 October 2013 on migratory flows in the Mediterranean, with a particular focus on the tragic events off the coast of Lampedusa.

Amendment 53
Franziska Keller

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In the spirit of Article 80 of the TFEU, application of Regulation (EU) No 604/2013 of the European Parliament and of the Council¹ should not prevent Member States from applying, on a voluntary basis, a system of relocation of migrants and asylum seekers.

¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining

an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

Or. en

Amendment 54
Marie-Christine Vergiat

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) During a border surveillance operation at sea, ***a situation may occur where it will be*** necessary to render assistance to persons found in distress. ***In accordance with international law, every State*** must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance ***should*** be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found.

Amendment

(7) ***If***, during a border surveillance operation at sea, it ***is*** necessary to render assistance to persons found in distress, ***every Member State, in accordance with international law***, must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance ***must*** be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found. ***Accordingly, no action whatsoever, including criminal proceedings and penalties, must be taken to deter the master of a ship from rendering assistance to persons in distress at sea.***

Or. fr

Amendment 55
Cornelia Ernst

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found.

Amendment

(7) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found. ***Accordingly, no measures should be taken against ship masters who have rendered assistance to persons in distress at sea.***

Or. en

Amendment 56
Cecilia Wikström

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of

Amendment

(7) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of

the nationality or status of the persons to be assisted or of the circumstances in which they are found.

the nationality or status of the persons to be assisted or of the circumstances in which they are found; ***accordingly, no measures, including criminal procedures and sanctions, should be taken discouraging ship masters from rendering assistance to any person in distress at sea.***

Or. en

Amendment 57
Franziska Keller

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found.

Amendment

(7) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found. ***Accordingly, no measures, including criminal proceedings and/or sanctions should be taken, discouraging ship masters from rendering assistance to any persons in distress at sea.***

Or. en

Amendment 58
Josef Weidenholzer

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) During a border surveillance operation at sea, ***a situation may occur*** where it ***will be*** necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found.

Amendment

(7) When conducting a border surveillance operation at sea, ***regard should be had for situations*** where it is necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers, to render assistance ***without delay*** to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found.

Or. de

Amendment 59
Marie-Christine Vergiat

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) That obligation ***should*** be carried out by Member States in accordance with the applicable provisions of international instruments governing search and rescue situations and in accordance with the requirements concerning the protection of fundamental rights. This Regulation should not affect the responsibilities of search and rescue authorities, including for ensuring that coordination and cooperation is carried out in such a way that the persons rescued can be delivered to a port or a place of safety.

Amendment

(8) That obligation ***must*** be carried out by Member States in accordance with the applicable provisions of international instruments governing search and rescue situations and in accordance with the requirements concerning the protection of fundamental rights. This Regulation should not affect the responsibilities of search and rescue authorities, including for ensuring that coordination and cooperation is carried out in such a way that the persons rescued can be delivered to a port or a place of safety.

Amendment 60
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Clear rules should ensure that when persons in distress at sea are detected the responsible Rescue Coordination Centre is easily and quickly identified. In case of doubt, e.g. when a boat is floating between different search and rescue regions, the International Coordination Centre should appoint the responsible Rescue Coordination Centre.

Or. en

Amendment 61
Cecilia Wikström

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) When disembarking intercepted or rescued persons in a Member State, the Union and its Member States should fully respect the principle of solidarity and fair responsibility sharing in accordance with Article 80 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 62
Marie-Christine Vergiat

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, **including references to** international and Union law, regarding interception, rescue at sea and disembarkation. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency.

Amendment

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation, pilot project or rapid intervention takes place, **in accordance with** international and Union law, regarding interception, rescue at sea, disembarkation **and rules and procedures which ensure that persons with international protection needs, victims of human trafficking, unaccompanied minors and other vulnerable persons are identified during the operation and provided with appropriate assistance, including access to international protection.** In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency. **Disembarkation in a third country must be an exceptional measure. The operational plan should also include arrangements for monitoring by the Fundamental Rights Officer of the Agency or any other body designated for that purpose.**

Or. fr

Justification

This amendment seeks to make clear reference to compliance with international and Union law. It also refers back to recommendation 7.1. in Resolution 1932 (213) of the Parliamentary Assembly of the Council of Europe and seeks to ensure that application of obligations under international humanitarian and refugee law is included in the operational plan. The plan, to

ensure that it is transparent, must also include monitoring arrangements.

Amendment 63
Cornelia Ernst

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law, regarding interception, rescue at sea and disembarkation. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency.

Amendment

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law, regarding interception, rescue at sea and disembarkation, ***and including rules and procedures which ensure that persons with international protection needs, including potential victims of trafficking, unaccompanied minors and other vulnerable persons, are identified during the operation, and that these persons are provided with appropriate assistance, including access to asylum and other international protection.*** In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency. ***The operational plan should also provide for the proper monitoring of the operation by the Agency's Fundamental Rights Officer or any other body appointed for that purpose.***

Or. en

Amendment 64
Franziska Keller

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law, regarding interception, rescue at sea and disembarkation. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency.

Amendment

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law, regarding interception, rescue at sea and disembarkation. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency. ***It should also include rules and procedures which ensure that persons in need of international protection, including potential victims of trafficking, unaccompanied minors and other vulnerable persons, are identified and that these persons are provided with appropriate assistance, including access to asylum procedures.***

Or. en

Justification

The amendment aims at ensuring that the implementation of obligations under EU and international refugee and humanitarian law is part of the operational plan.

Amendment 65
Anna Maria Corazza Bildt

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law, regarding interception, rescue at sea **and disembarkation**. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency.

Amendment

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law, regarding interception, rescue at sea, **disembarkation and asylum**. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency.

Or. en

Amendment 66

Véronique Mathieu Houillon, Georgios Papanikolaou, Salvatore Iacolino, Marco Scurria, Roberta Angelilli

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law,

Amendment

(9) Pursuant to Regulation (EC) No 2007/2004, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan. Accordingly, as regards sea operations, the operational plan should include specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation or pilot project takes place, including references to international and Union law,

regarding interception, rescue at sea and disembarkation. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency.

regarding interception, rescue at sea and disembarkation. In turn, this Regulation governs the issues of interception, rescue at sea and disembarkation in the context of sea border surveillance operations coordinated by the Agency *in accordance with international law and fundamental rights*.

Or. en

Amendment 67
Anna Maria Corazza Bildt

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, notably the right to life, human dignity, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, non-refoulement, non-discrimination, the right to an effective remedy, the right to asylum and the rights of the child.

Amendment

(11) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, notably the right to life, human dignity, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, non-refoulement, non-discrimination, the right to an effective remedy, the right to asylum and the rights of the child, *in particular when unaccompanied*.

Or. en

Amendment 68
Marie-Christine Vergiat

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) This Regulation respects the fundamental rights and observes the

Amendment

(11) This Regulation respects the fundamental rights and observes the

principles recognised by the Charter of Fundamental Rights of the European Union, **notably the right to life, human dignity**, prohibition of torture and of inhuman or degrading treatment or punishment, right to liberty and security, non-refoulement, non-discrimination, the right to an effective remedy, **the right to asylum** and the rights of the child.

principles recognised **by Articles 2 and 6 of the Treaty on European Union (TEU) and** by the Charter of Fundamental Rights of the European Union, **in particular respect for human dignity, the right to life, the** prohibition of torture and of inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, **the** right to liberty and security, **the right to the protection of personal data, the right to asylum and to protection against removal and expulsion**, non-refoulement, non-discrimination, the right to an effective remedy and the rights of the child. **This Regulation should be applied by Member States and the Agency in accordance with those rights and principles. This Regulation also respects human rights and fundamental freedoms as laid down by the European Convention for the Protection of Human Rights and Fundamental Freedoms.**

Or. fr

Justification

Reference should also be made to the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which the EU will soon be a party.

Amendment 69

Véronique Mathieu Houillon, Georgios Papanikolaou, Salvatore Iacolino, Marco Scurria, Roberta Angelilli

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) This Regulation respects international law and, in particular, international Conventions governing search and rescue and relevant bilateral agreements which comply with international law.

Amendment 70

Salvatore Iacolino, Marco Scurria, Roberta Angelilli

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) This Regulation does not rule out the possibility of determining the details of joint operations at sea in specific operational plans, taking into account the specific requirements and characteristics of the context in which the Member States are operating.

Or. it

Justification

This regulation establishes a legal reference framework which should enable Member States to determine, with an appropriate degree of flexibility, the details of operations in operational plans.

Amendment 71

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In their national operations that are not coordinated by the Agency, Member States shall apply, mutatis mutandis, the rules on search and rescue, interception competences and fundamental rights guarantees as laid down in this Regulation.

Or. en

Amendment 72
Mario Borghezio

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

Text proposed by the Commission

Amendment

1a. 'Bilateral agreements' means agreements drawn up between countries of origin and destination, which provide for programmed and controlled migration flows;

Or. it

Amendment 73
Marie-Christine Vergiat

Proposal for a regulation
Article 2 – point 9 a (new)

Text proposed by the Commission

Amendment

9a. 'Fundamental rights' means the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the principle of non-refoulement and the right to an effective remedy;

Or. fr

Justification

Adding this definition makes it clear what fundamental rights the regulation is based on.

Amendment 74
Franziska Keller

Proposal for a regulation
Article 2 – point 10 a (new)

Text proposed by the Commission

Amendment

10a. “principle of non-refoulement” means that no one may be removed, expelled, extradited or handed over to a country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion; or where there are substantial grounds to believe that there is a real risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or any serious violations of their human rights; or where he or she may be removed, expelled or extradited to another country in breach of the principle of non-refoulement.

Or. en

Justification

The principle of non-refoulement is often referred to in the draft regulation. It is a core principle of the regulation. Therefore it should be defined in the text rather than just in a recital. Moreover, in the present draft regulation the definition of non-refoulement is incomplete.

**Amendment 75
Franziska Keller**

**Proposal for a regulation
Article 2 – point 11**

Text proposed by the Commission

11. ‘place of safety’ means a location where rescue operations are considered to terminate and where the survivors' safety of life ***including as regards*** the protection of their fundamental rights is not threatened, where their basic human needs can be met and from which transportation

Amendment

11. ‘place of safety’ means a location where rescue operations are considered to terminate and where the survivors' safety of life ***as well as*** the protection of their fundamental rights is not threatened, where their basic human needs can be met and from which transportation arrangements

arrangements can be made for the survivors' next destination or final destination;

can be made for the survivors' next destination or final destination, *in compliance with the principle of non-refoulement*;

Or. en

Amendment 76
Cecilia Wikström

Proposal for a regulation
Article 2 – point 11

Text proposed by the Commission

11. 'place of safety' means a location where rescue operations are considered to terminate and where the survivors' safety of life including as regards the protection of their fundamental rights is not threatened, where their basic human needs can be met and from which transportation arrangements can be made for the survivors' next destination or final destination;

Amendment

11. 'place of safety' means a location where rescue operations are considered to terminate and where the survivors' safety of life including as regards the protection of their fundamental rights is not threatened, where their basic human needs can be met and from which transportation arrangements can be made for the survivors' next destination or final destination, *in respect of the principle of non-refoulement*;

Or. en

Amendment 77
Josef Weidenholzer

Proposal for a regulation
Article 2 – point 12 a (new)

Text proposed by the Commission

Amendment

12a. 'child' means any person under 18 years of age.

Or. de

Amendment 78
Josef Weidenholzer

Proposal for a regulation
Article 3

Text proposed by the Commission

Measures taken for the purpose of a sea operation shall be conducted in a way that **does not put at risk** the safety of the persons intercepted or rescued and the safety of the participating units.

Amendment

Measures taken for the purpose of a sea operation shall be conducted in a way that, **in all instances, ensures** the safety of the persons intercepted or rescued and the safety of the participating units, **including safe onward passage**.

Or. de

Amendment 79
Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

(1) No person **shall be disembarked in, or otherwise handed over to the authorities of** a country where there is a **serious** risk that **such person** would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or from which there is a **serious** risk of expulsion, removal or extradition to another country **in** contravention of the principle of non-refoulement.

Amendment

(1) No person **may be turned away, removed, deported or extradited or otherwise forced or prevailed upon to enter** a country where there is a risk that **he or she** would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment **or where his or her life or freedom would be threatened on account of his or her origins, race, religion, nationality, gender, sexual orientation, membership of a particular social group or family, or political or philosophical beliefs**, or from which there is a risk of expulsion, removal or extradition to another country, **or a risk of** contravention of the principle of non-refoulement, **or the country concerned makes no provision for an individual, fair and effective procedure enabling a person to request international protection**.

Justification

The definition of the principle of non-refoulement should be as consistent as possible with existing definitions given in the Charter of Fundamental Rights, the Geneva Convention on the Status of Refugees and the Hirsi Jamaa judgment of the European Court of Human Rights. (See also recital 5a.)

Amendment 80
Franziska Keller

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. No person shall be disembarked in, or otherwise handed over to the authorities of a country where there is a *serious* risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Amendment

1. No person shall be disembarked in, *conducted towards* or otherwise handed over to the authorities of, *or forced to enter*, a country where there is a *well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion pursuant to points (d) and (f) of Article 2 of Directive 2011/95/EU of the European Parliament and of the Council¹* and a *real* risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment *or any serious violations of their human rights* or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

¹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Justification

Amended to reflect the correct definition of the principle of non-refoulement under EU law and international human rights law.

Amendment 81
Cecilia Wikström

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. No person shall be disembarked in, or otherwise handed over to the authorities of a country where there is a **serious** risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Amendment

1. No person shall be disembarked in, or otherwise handed over to the authorities of, **or forced to enter**, a country where **his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion or where there are substantial grounds to believe that** there is a **real** risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment **or any serious violations of their human rights** or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Justification

Correct definition of the principle of non-refoulement.

Amendment 82
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. No person shall be disembarked in, or otherwise handed over to the authorities of a country where there is a serious risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Amendment

1. No person shall be disembarked in, ***returned to***, or otherwise handed over to the authorities of a country where there is a serious risk that such person would be subjected to the death penalty, ***to other serious dangers for their life and limb***, to torture or other inhuman or degrading treatment or punishment or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Or. en

Amendment 83
Marie-Christine Vergiat

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. No person shall be disembarked in, or otherwise handed over to the authorities of a country where there is a serious risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Amendment

1. No person shall be disembarked in, or otherwise handed over to the authorities of a country where there is a serious risk that such person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment or from which there is a serious risk of expulsion, removal or extradition to another country in contravention of the principle of non-refoulement. ***Disembarkation in a third country must be an exceptional measure.***

Or. fr

Amendment 84
Franziska Keller

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. **Before deciding on disembarkation in a third country, the participating units shall take into account** the general situation in **that third country and** intercepted or rescued persons shall not be disembarked in **that** third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

Amendment

2. **Before and during a sea operation, the host Member State and the participating Member States shall examine** the general situation in **the third countries where disembarkation could potentially take place**. Intercepted or rescued persons shall not be **conducted towards or otherwise handed over to the authorities of, or forced to enter or be** disembarked in a third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1. **Those Member States shall provide that information to the participating units. For that purpose, they shall use information based on a range of sources, including in particular information from other Member States, EASO, UNHCR, the Council of Europe and other relevant international and non-governmental organisations.**

Or. en

Justification

Concerning sources of information the amendment reflects the requirements in Article 37(3) of the Asylum Procedures Directive.

Amendment 85
Cecilia Wikström

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Before **deciding on disembarkation in a**

Amendment

2. Before **and while a sea operation is**

third country, the participating units shall take into account the general situation in that third country and intercepted or rescued persons shall not be disembarked in that third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

taking place, the host Member State and the participating Member States shall examine the general situation in the neighbouring third countries. Intercepted or rescued persons shall not be disembarked in a third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1. Those member States shall provide that information to the participating units. For that purpose, they may use the information prepared by the European External Action Service, the European Asylum Support Office, the Agency, the United Nations High Commissioner for Refugees and relevant non-governmental organisations.

Or. en

Amendment 86
Marie-Christine Vergiat

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Before deciding on disembarkation *in a third country*, the participating units shall *take into account* the general situation in *that* third country *and* intercepted or rescued persons shall not be disembarked in *that* third country when the host Member State or the participating Member States are aware or ought to be aware that *this* third country is engaged in practices as described in paragraph 1.

Amendment

2. Before deciding on disembarkation, *the host Member State and* the participating Member States shall *consider* the general situation in *the neighbouring* third country *or countries*. Intercepted or rescued persons shall not be disembarked in *a* third country when the host Member State or the participating Member States are aware or ought to be aware that *the* third country *in or to which persons are to be disembarked or returned respectively* is engaged in practices as described in paragraph 1. *For that purpose, they may use the information prepared by the European Asylum Support Office, the Agency and the United Nations High Commissioner*

for Refugees or by an international or non-governmental organisation or organisations. The information gathered in this way shall be forwarded to the participating units.

Or. fr

Amendment 87
Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

(2) Before *deciding on disembarkation in a third country*, the participating *units* shall *take into account* the general situation in *that third country and* intercepted or rescued persons shall not be disembarked in that third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

Amendment

(2) Before *and during a sea operation, the host Member State and* the participating *Member States* shall *examine* the general situation in *the neighbouring third countries*. Intercepted or rescued persons shall not be disembarked in a third country when the host Member State, *the Agency* or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1. *Those Member States shall provide that information to the participating units. For that purpose, they may use the information prepared by the European Asylum Support Office, the Agency and the United Nations High Commissioner for Refugees.*

Or. de

Justification

Alongside the important additions made by the rapporteur, the Agency should assume responsibility and proactively provide information on third countries engaging in practices as described in paragraph 1.

Amendment 88
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Before ***deciding on disembarkation in*** a third country, the participating units shall take into account the general situation in that third country and intercepted or rescued persons shall not be disembarked in that third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

Amendment

2. Before ***disembarkation in, or return to*** a third country ***is considered***, the participating units shall take into account the general situation in that third country and intercepted or rescued persons shall not be disembarked in ***or returned to*** that third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

Or. en

Amendment 89
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Before deciding on disembarkation in a third country, the participating units shall take into account the general situation in that third country and intercepted or rescued persons shall not be disembarked in that third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

Amendment

2. Before deciding on disembarkation in a third country, the participating units shall take into account the general situation in that third country and ***the existence of bilateral agreements and projects on migration and asylum, carried out in accordance with Union law and through Union funds***. Intercepted or rescued persons shall not be disembarked in that third country when the host Member State or the participating Member States are aware or ought to be aware that this third country is engaged in practices as described in paragraph 1.

Or. en

Justification

It is necessary to take into account all the activities aimed at improving the international protection system, especially if these activities are carried out through the European funds. This is to prevent that the efforts in cooperation of third countries with the Member States involved in the operations of borders surveillance are being ignored.

Amendment 90 **Marie-Christine Vergiat**

Proposal for a regulation **Article 4 – paragraph 3**

Text proposed by the Commission

3. ***In case of*** disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances ***to the extent possible before disembarkation.*** ***They*** shall inform the intercepted or rescued persons of the place of disembarkation ***in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.***

Amendment

3. ***Before deciding*** on disembarkation in ***or return to*** a third country, the participating units shall identify the intercepted or rescued persons and assess their ***individual*** personal circumstances, ***including their health and medical conditions and other circumstances that make or might make those persons vulnerable.*** ***Participating units shall automatically debrief intercepted persons in readily accessible languages in accordance with a standardised procedure. Relevant instructions or clear guidelines shall be given to staff and officers deployed in accordance with paragraph 5.*** ***Participating units*** shall inform the intercepted or rescued persons, ***in accessible languages,*** of the place of disembarkation ***or return and of their rights, in particular the right to object to the disembarkation or return operation concerned. Information about requests for asylum and international protection shall be given, without delay, to the competent national authorities.***

Or. fr

Justification

This amendment refers back to recommendation 7.1. in Resolution 1932 (213) of the Parliamentary Assembly of the Council of Europe.

Amendment 91 **Franziska Keller**

Proposal for a regulation **Article 4 – paragraph 3**

Text proposed by the Commission

3. ***In case of*** disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances ***to the extent possible*** before ***disembarkation***. They shall inform the intercepted or rescued persons of the place of disembarkation ***in an appropriate way and they*** shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment

3. ***If*** disembarkation in a third country ***is considered***, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances, ***including their medical conditions and other circumstances that might make them vulnerable or subject to international protection needs***, before a ***decision is made***. They shall inform the intercepted or rescued persons of the place of disembarkation ***and of the procedure to be followed to avoid being disembarked in the third country, in a language which those persons understand or may reasonably be presumed to understand***. ***The participating units*** shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement. ***Intercepted and rescued persons shall be granted effective access to legal assistance, to interpretation and to an effective remedy before disembarkation in a third country.***

Or. en

Justification

The amendment aims at bringing the regulation fully in line with the Hirsi judgement of the European Court of Human Rights. The Court had ruled that intercepted or rescued persons must be informed on the procedures to be followed to avoid being disembarked in a third

country, that interpreters and legal advisers must be on board and that they must get access to an effective remedy. Moreover, the fact that migrants fail to expressly request asylum does not exempt border guards from fulfilling their protection obligations. Therefore, they must always examine the personal circumstances of the migrants.

Amendment 92
Cecilia Wikström

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. ***In case of*** disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances ***to the extent possible*** before ***disembarkation***. They shall inform the intercepted or rescued persons of the place of disembarkation in ***an appropriate way*** and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment

3. ***If*** disembarkation in a third country ***is considered***, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances, ***including their medical conditions and other circumstances that might make them vulnerable***, before ***a decision is made***. They shall inform the intercepted or rescued persons of the place of disembarkation in ***a language which those persons understand or may reasonably be presumed to understand*** and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement. ***Intercepted and rescued persons shall be granted effective access to a procedure which guarantees the full range of procedural safeguards as required under international human rights and Union law, including legal assistance, interpretation and an effective remedy.***

Or. en

Amendment 93
Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

(3) ***In case of*** disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances ***to the extent possible before disembarkation***. They shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be ***in violation of the principle of non-refoulement***.

Amendment

(3) ***If*** disembarkation in a third country ***is considered***, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances, ***including their medical condition and other circumstances that might make them vulnerable. Before a decision is taken***, they shall inform the intercepted or rescued persons of ***their rights, in particular the right to international protection, and of*** the place of disembarkation in an appropriate way, ***and in a language which those persons understand or may be presumed to understand***, and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be ***unlawful***. ***Intercepted or rescued persons shall be granted legal assistance and access to effective remedy and translators, and it shall be made possible for them to produce evidence in support of their case.***

Or. de

Justification

The additions made are based on case law and relevant texts, including the Geneva Convention on the Status of Refugees and the Hirsi Jamaa judgment of the European Court of Human Rights.

Amendment 94
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. ***In case of disembarkation in*** a third country, the participating units shall

Amendment

3. ***Before disembarkation in, or return to*** a third country, the participating units shall

identify the intercepted or rescued persons and assess their personal circumstances *to the extent possible* before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation *in an appropriate way and they shall give them an opportunity to express any* reasons for believing that disembarkation in the proposed place would be in violation of *the principle of non-refoulement*.

identify the intercepted or rescued persons and assess their *individual* personal circumstances before disembarkation. They shall inform the intercepted or rescued persons *in a language which these persons understand* of the place of disembarkation *or return and of their right to express opposition against the intended measure as well as the* reasons for believing that disembarkation *or return* in the proposed place would be in violation of *their rights*.

Or. en

Amendment 95 **Monica Luisa Macovei**

Proposal for a regulation **Article 4 – paragraph 3**

Text proposed by the Commission

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement. *Persons in need of international protection who arrive by sea shall be treated equally to other applicants in search of protection arriving on mainland.*

Or. en

Amendment 96
Anna Maria Corazza Bildt

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation in ***an appropriate way*** and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation in ***a way they can understand*** and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Or. en

Amendment 97
Véronique Mathieu Houillon, Georgios Papanikolaou

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation ***in an*** appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation. They shall inform the intercepted or rescued persons of the place of disembarkation ***in the most*** appropriate way ***possible*** and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment 98
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. In case of disembarkation in a third country, ***the participating units shall identify the intercepted or rescued persons and assess their personal circumstances to the extent possible before disembarkation.*** They shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Amendment

3. In case of disembarkation in a third country, ***unless provided for in Article 3 and Article 4(1) and (2), the participating units*** shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Or. en

Justification

The identification of intercepted people and the assessment of their personal circumstances can be done only after the cross of borders, in the national territory of the Member State and by the competent authorities.

Amendment 99
Georgios Papanikolaou, Véronique Mathieu Houillon

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances ***to***

Amendment

3. In case of disembarkation in a third country, the participating units shall identify the intercepted or rescued persons and assess their personal circumstances.

the extent possible before disembarkation.
They shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

They shall inform the intercepted or rescued persons of the place of disembarkation in an appropriate way and they shall give them an opportunity to express any reasons for believing that disembarkation in the proposed place would be in violation of the principle of non-refoulement.

Or. en

Amendment 100
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If an intercepted or rescued person opposes the intended disembarkation in, or return to a third country or expresses reasons for believing that the intended measure would be in violation of the principle of non-refoulement, the person shall be disembarked on the territory of a Member State where he or she is able to make use of the legal remedies provided for in Article 13(3) of the Schengen Borders Code, and/or is given access to an asylum procedure in accordance with Article 6 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

Or. en

Amendment 101
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. The participating units shall **address** the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation throughout the sea operation.

Amendment

4. The participating units shall **ensure** the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation **are sufficiently met in all decisions and measures** throughout the sea operation. **For this purpose, participating units shall be able to draw on medical doctors, interpreters and other relevant experts.**

Or. en

Amendment 102
Marie-Christine Vergiat

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. The participating units shall address the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a **particularly** vulnerable situation **throughout the sea operation.**

Amendment

4. **In connection with all decisions and measures taken** throughout the sea operation, the participating units shall **properly** address the special needs of children, victims of trafficking, **persons with a disability**, persons in need of urgent medical assistance, persons in need of international protection and other persons in a vulnerable situation. **Accordingly, the participating units shall be able to provide doctors, interpreters and any other specialist required in order to address needs.**

Or. fr

Amendment 103
Anna Maria Corazza Bildt

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. The participating units shall address the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation throughout the sea operation.

Amendment

4. The participating units shall address the special needs of children, ***in particular unaccompanied minors***, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation throughout the sea operation.

Or. en

Amendment 104
Franziska Keller

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

Text proposed by the Commission

Amendment

4a. If there are grounds to believe that disembarkation of persons intercepted or rescued at sea in the proposed place would be in violation of the principle of non-refoulement, the participating units shall not share personal information regarding the persons with the authorities of the country of origin or with the authorities of other third countries.

Or. en

Justification

The amendment aims at bringing the regulation in line with the joint guidelines on rescue at sea by the International Maritime Organisation, the International Chamber of Shipping and UNHCR.

Amendment 105
Franziska Keller

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

Text proposed by the Commission

Amendment

4b. The participating units shall treat all persons on board in a humane way.

Or. en

Justification

The amendment brings the regulation in line with Article 9 of the Protocol against the Smuggling of Migrants.

Amendment 106
Franziska Keller

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Border guards ***participating in a sea operation shall be trained with regard to relevant provisions of fundamental rights, refugee law and the international legal regime of search and rescue.***

5. All border guards and other personnel of the Member States shall receive, prior to their participation in a sea operation, training in relevant Union and international law, including fundamental rights and access to international protection and guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities, and the international legal regime of search and rescue. Each participating unit shall include at least one person with advanced medical training and one person with expertise in refugee and asylum law.

Or. en

Justification

The amendment brings the regulation in line with Article 5 of the Frontex Regulation. Given the special situation and often challenging situation on board, experts on medical assistance and asylum and refugee law should also be on board.

Amendment 107 **Josef Weidenholzer**

Proposal for a regulation **Article 4 – paragraph 5**

Text proposed by the Commission

(5) Border guards participating in a sea operation shall be trained with regard to relevant provisions of fundamental rights, refugee law and the international legal regime of search and rescue.

Amendment

(5) Border guards participating in a sea operation shall be trained with regard to relevant provisions of fundamental rights, refugee law and the international legal regime of search and rescue. ***All participating units should include staff with medical training, who should also be consulted when the medical condition of persons intercepted is assessed.***

Or. de

Justification

Alongside the constructive addition made by the rapporteur, it is advisable to deploy the best-qualified staff for assessing the medical condition of refugees.

Amendment 108 **Anna Maria Corazza Bildt**

Proposal for a regulation **Article 4 – paragraph 5**

Text proposed by the Commission

5. Border guards participating in a sea operation shall be trained with regard to relevant provisions of fundamental rights, refugee ***law*** and the international legal

Amendment

5. Border guards participating in a sea operation shall be trained with regard to relevant provisions of fundamental rights, refugee ***and asylum law, children rights*** and the international legal regime of search

regime of search and rescue.

and rescue.

Or. en

Amendment 109
Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Any breach of international law or the Charter of Fundamental Rights shall be investigated and, if necessary, penalised.

Or. de

Amendment 110
Marie-Christine Vergiat

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Upon detection, the participating units shall approach a ship suspected of crossing or intending to cross the border in an irregular manner to observe its identity and nationality and, pending further measures, it shall be surveyed at a prudent distance. The participating units shall communicate information about the ship immediately to the International Coordination Centre.

1. Upon detection, the participating units shall approach a ship suspected of crossing or intending to cross the border in an irregular manner to observe its identity and nationality and, pending further measures, it shall be surveyed at a prudent distance. The participating units shall communicate information about the ship immediately to the International Coordination Centre, ***including information about the situation of persons on board, in particular whether there is an imminent risk to their lives or health.***

Or. fr

Amendment 111

Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. Upon detection, the participating units shall approach a ship suspected of crossing or intending to cross the border in an irregular manner to observe its identity and nationality and, pending further measures, it shall be surveyed at a prudent distance. The participating units shall communicate information about the ship immediately to the International Coordination Centre.

Amendment

1. Upon detection, the participating units shall approach a ship suspected of crossing or intending to cross the border in an irregular manner to observe its identity and nationality and, pending further measures, it shall be surveyed at a prudent distance. The participating units shall communicate information about the ship immediately to the International Coordination Centre. ***It shall transmit the information to the National Coordination Centre of the host Member State.***

Or. en

Justification

The National Coordination Centre of the host Member State should be always informed.

Amendment 112

Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Where the ship is about to enter or it has entered the territorial sea or the contiguous zone of a Member State that is not participating in the sea operation, the participating units shall communicate information about the ship to the International Coordination Centre, which shall convey this information to the National Coordination Centre of the Member State concerned.

Amendment

2. Where the ship is about to enter or it has entered the territorial sea or, ***where formally proclaimed***, the contiguous zone, of a Member State that is not participating in the sea operation, the participating units shall communicate information about the ship to the International Coordination Centre, which shall convey this information to the National Coordination Centre of the Member State concerned.

Justification

Under Article 33 of the United Nations Convention on the Law of the Sea, it is necessary for a contiguous zone to be formally proclaimed, thereby entitling the coastal state to monitor vessels in transit with a view to preventing or punishing infringements of its customs, fiscal, immigration or sanitary laws and regulations.

Amendment 113

Josef Weidenholzer, Ioan Enciu

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. The participating units shall communicate information about any ship suspected of being engaged in illegal activities at sea outside the scope of *a* sea operation to the International Coordination Centre, which shall convey this information to the National Coordination Centre of the Member State or Member States concerned.

Amendment

3. The participating units shall communicate information about any ship suspected of being engaged in illegal activities at sea, ***which are*** outside the scope of ***the*** sea operation, to the International Coordination Centre, which shall convey this information to the National Coordination Centre of the Member State or Member States concerned. ***When necessary and for the purposes laid down in this Regulation, the authorities of the Member States concerned and the Agency shall make use of the EUROSUR framework.***

Amendment 114

Josef Weidenholzer, Ioan Enciu

Proposal for a regulation

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The establishment of the European Border Surveillance System

("EUROSUR") established by Regulation (EU) No .../2013 of the European Parliament and of the Council should strengthen the exchange of information and operational cooperation between national authorities of Member States as well as with the Agency in the context of border surveillance operations carried at the European Union's external sea borders. EUROSUR shall ensure to improve situational awareness and increase reaction capability of Member States, for the purpose of detecting and preventing irregular migration, for combating cross-border crime and for contributing to the protection and saving the lives of migrants at their external borders.

Or. en

Amendment 115
Salvatore Iacolino, Roberta Angelilli

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In cases where transnational human trafficking can be deduced, the International Coordination Centre shall communicate information about any suspicious ships to the judicial and police authorities of the Member State or States concerned, which shall assess whether or not to activate joint investigation teams, where appropriate in agreement with Europol and Eurojust, in order to prevent, detect and punish such offences.

Or. it

Amendment 116
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the territorial sea of the host Member State or a participating Member State, the participating units shall ***take one or more of the following measures when there are reasonable grounds to suspect that a ship is carrying persons intending to circumvent checks at border crossing points or is engaged in the smuggling of migrants by sea:***

Amendment

1. In the territorial sea of the host Member State or a participating Member State, the participating units shall ***communicate the information about the intercepted ship to the International Coordination Centre. It shall immediately inform the National Coordination Centre of the competent territorial Member State that takes all the necessary measures according to national law.***

Or. en

Justification

In the territorial sea the measures taken after the interception are exclusive competence of the authorities of the Member State.

Amendment 117
Franziska Keller

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the territorial sea of the host Member State or a participating Member State, the participating units shall take one or more of the following measures when there are reasonable grounds to suspect that a ship is carrying persons intending to circumvent checks at border crossing points or is engaged in the smuggling of migrants by sea:

Amendment

1. In the territorial sea of the host Member State or a participating Member State, the participating units shall take one or more of the following measures ***in the following order, without prejudice to Directive 2013/32/EU on common procedures for granting and withdrawing international protection and the Schengen Border Code and in accordance with Article 4 of this Regulation,*** when there are reasonable grounds to suspect that a ship is carrying

persons intending to circumvent checks at border crossing points or is engaged in the smuggling of migrants by sea *and/or trafficking of migrants by sea in accordance with Directive 2011/36/EU of the European Parliament and of the Council¹ on preventing and combating trafficking in human beings and protecting its victims:*

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

Or. en

Justification

The scope of the Asylum Procedures Directive includes the territorial waters of Member States. Measures against irregular migration in the territorial waters must therefore be without prejudice to the Directive. The same applies for the Schengen Border Code.

Amendment 118 **Roberta Metsola**

Proposal for a regulation **Article 6 – paragraph 1 – introductory part**

Text proposed by the Commission

1. In the territorial sea of the host Member State or a participating Member State, the participating units **shall** take one or more of the following measures when there are reasonable grounds to suspect that a ship is carrying persons intending to circumvent checks at border crossing points or is engaged in the smuggling of migrants by sea:

Amendment

1. In the territorial sea of the host Member State or a participating Member State, the participating units **may** take one or more of the following measures when there are reasonable grounds to suspect that a ship is carrying persons intending to circumvent checks at border crossing points or is engaged in the smuggling of migrants by sea:

Or. en

Amendment 119
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board;

deleted

Or. en

Amendment 120
Anna Maria Corazza Bildt

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board;

(a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board, *including their health conditions, in order to assess if there are persons with special medical needs on board;*

Or. en

Amendment 121
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) stopping, boarding and searching the

deleted

ship, its cargo and persons on board, and questioning persons on board;

Or. en

Amendment 122

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) making persons on board aware that they may not be authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage;

deleted

Or. en

Amendment 123

Josef Weidenholzer

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) making persons on board aware *that* they may not be authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage;

(c) making persons on board aware *as to why* they may not be authorised to cross the border and that persons directing the ship may face penalties for facilitating the voyage;

Or. de

Justification

The reasons why persons are not allowed to cross a border must be given.

Amendment 124
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) seizing the ship and apprehending persons on board;

deleted

Or. en

Amendment 125
Franziska Keller

Proposal for a regulation
Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) seizing the ship and apprehending persons on board;

(d) If evidence is found that the vessel is engaged in the smuggling and/or trafficking of migrants, seizing the ship and apprehending persons suspected of smuggling and or trafficking on board;

Or. en

Justification

According to the Protocol against Smuggling state parties are obliged to take measures against persons involved in smuggling - while protecting the rights of smuggled migrants. In addition, the Schengen Borders Code allows for coercive measures only after the issuing of a refusal of entry in the meaning of Article 13 of the SBC.

Amendment 126
Franziska Keller

Proposal for a regulation
Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course; **deleted**

Or. en

Justification

The Asylum Procedures Directive includes the territorial waters in its scope. Recital 26 of the APD furthermore states that States must disembark on their territory in case of third country nationals present in their territorial waters and have their claims examined according to the Directive.

Amendment 127

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course; **deleted**

Or. en

Amendment 128

Josef Weidenholzer

Proposal for a regulation

Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course; **deleted**

Or. de

Justification

Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) states that the rules on requests for international protection apply throughout the territory of a country, including in its waters. The point concerned runs counter to the requirement that there must be a fair and efficient examination of a person's vulnerability and might result in large-scale removals or a breach of the principle of non-refoulement. That would also run counter to the Hirsi Jamaa judgment of the European Court of Human Rights.

Amendment 129

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Article 6 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) conducting the ship or persons on board to the host Member State or to another Member State participating in the operation, or to the coastal Member State. **deleted**

Or. en

Amendment 130

Roberta Metsola

Proposal for a regulation

Article 6 – paragraph 1 – point f

Text proposed by the Commission

(f) conducting the ship or persons on board to the ***host Member State or to another Member State participating in the operation, or to the*** coastal Member State.

Amendment

(f) conducting the ship or persons on board to the coastal Member State.

Or. en

Amendment 131

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The measures described in points (e) and (f) of paragraph 1 may only be taken if the participating unit:

(i) has ascertained that the new destination of the ship meets the requirements for a place of safety and those laid down in Article 4(1) and

(ii) has conducted, if applicable, the activities provided for in Article 4(2) to (4).

Article 6 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection shall apply.

Or. en

Amendment 132

Cecilia Wikström

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The measures described in points (e) and (f) of paragraph 1 may only be taken if the participating unit has ascertained that the new destination of the ship meets the requirements laid down in Article 4(1) and has conducted, if applicable, the activities provided for in Article 4(2) to (4). Article 6 of Directive 2013/32/EU shall apply.

Or. en

Amendment 133

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The host Member State or the participating Member State on whose territorial sea the interception takes place shall authorise the measures referred to in paragraph 1 and it shall instruct the participating unit appropriately through the International Coordination Centre. The participating unit shall inform the host Member State, through the International Coordination Centre, whenever the master of the ship requests that a diplomatic agent or a consular officer of the flag State be notified.

deleted

Or. en

Amendment 134

Roberta Metsola

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. The host Member State or the participating Member State on whose territorial sea the interception takes place **shall** authorise the measures referred to in paragraph 1 and it shall instruct the participating unit appropriately through the International Coordination Centre. The participating unit shall inform the host Member State, through the International Coordination Centre, whenever the master of the ship requests that a diplomatic agent or a consular officer of the flag State be notified.

Amendment

2. The host Member State or the participating Member State on whose territorial sea the interception takes place **may** authorise **one or more of** the measures referred to in paragraph 1 and it shall instruct the participating unit appropriately through the International Coordination Centre. The participating unit shall inform the host Member State, through the International Coordination Centre, whenever the master of the ship requests that a diplomatic agent or a consular officer of the flag State be notified.

Or. en

Amendment 135

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Where there are reasonable grounds to suspect that a ship without nationality or one that may be assimilated to a ship without nationality is carrying persons intending to circumvent the checks at border crossing points or is engaged in the smuggling of migrants by sea, the host Member State or the participating Member State in whose territorial sea the stateless ship is intercepted shall authorise and instruct the participating unit to stop it and to take any of the measures laid down in paragraph 1.

Amendment

deleted

Or. en

Amendment 136
Roberta Metsola

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Where there are reasonable grounds to suspect that a ship without nationality or one that may be assimilated to a ship without nationality is carrying persons intending to circumvent the checks at border crossing points or is engaged in the smuggling of migrants by sea, the host Member State or the participating Member State in whose territorial sea the stateless ship is intercepted **shall** authorise and instruct the participating unit to stop it and to take **any** of the measures laid down in paragraph 1.

Amendment

3. Where there are reasonable grounds to suspect that a ship without nationality or one that may be assimilated to a ship without nationality is carrying persons intending to circumvent the checks at border crossing points or is engaged in the smuggling of migrants by sea, the host Member State or the participating Member State in whose territorial sea the stateless ship is intercepted **may** authorise and instruct the participating unit to stop it and to take **one or more** of the measures laid down in paragraph 1.

Or. en

Amendment 137
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. Any operational activities in the territorial sea of a Member State that is not participating in the sea operation shall be conducted in accordance with the authorisation of that Member State. The International Coordination Centre shall be informed of any communication with that Member State and of the subsequent course of action authorised by that Member State.

Amendment

deleted

Or. en

Amendment 138
Marie-Christine Vergiat

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. Any operational activities in the territorial sea of a Member State that is not participating in the sea operation shall be conducted in accordance with the authorisation of that Member State. The International Coordination Centre shall be informed of any communication with that Member State and of the subsequent course of action authorised by that Member State.

Amendment

4. Any operational activities in the territorial sea of a Member State that is not participating in the sea operation shall be conducted in accordance with the authorisation of that Member State, ***which shall respond as soon as possible***. The International Coordination Centre shall be informed ***as soon as possible*** of any communication with that Member State and of the subsequent course of action authorised by that Member State. ***A Member State not participating in an operation being conducted in its territorial waters shall give its authorisation as soon as possible and may object to operations solely on legitimate and clearly stated grounds.***

Or. fr

Justification

The Member State concerned must react quickly. Any objections to an operation in which it is not participating must be based solely on legitimate and clear grounds.

Amendment 139
Josef Weidenholzer, Ioan Enciu

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the context of interception measures, Member States and the Agency are bound by the provisions of the asylum acquis, and in particular of Directive

2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection with regard to applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of Member States.

Or. en

Amendment 140
Franziska Keller

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. On the high seas, the participating units shall take one or more of the following measures when there are reasonable grounds to suspect that a ship is engaged in the smuggling of migrants by sea subject to the authorisation of the flag State in accordance with the Protocol against the Smuggling of Migrants:

Amendment

1. On the high seas, the participating units shall take one or more of the following measures *in the following order, without prejudice to Regulation (EC) No 562/2006 and in accordance with Article 4 of this Regulation* when there are reasonable grounds to suspect that a ship is engaged in the smuggling of migrants by sea subject to the authorisation of the flag State in accordance with the Protocol against the Smuggling of Migrants:

Or. en

Amendment 141
Roberta Metsola

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. On the high seas, the participating units *shall* take one or more of the following measures when there are reasonable

Amendment

1. On the high seas, the participating units *may* take one or more of the following measures when there are reasonable

grounds to suspect that a ship is engaged in the smuggling of migrants by sea subject to the authorisation of the flag State in accordance with the Protocol against the Smuggling of Migrants:

grounds to suspect that a ship is engaged in the smuggling of migrants by sea subject to the authorisation of the flag State in accordance with the Protocol against the Smuggling of Migrants:

Or. en

Amendment 142
Anna Maria Corazza Bildt

Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board;

Amendment

(a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board, ***including their health conditions, in order to assess if there are persons with special medical needs on board;***

Or. en

Amendment 143
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) making persons on board aware ***that*** they are may not be authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage;

Amendment

(c) making persons on board aware ***as to why*** they are ***or*** may not be authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage;

Or. de

Justification

The reasons why persons are not allowed to cross a border must be given.

Amendment 144
Franziska Keller

Proposal for a regulation
Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) seizing the ship and apprehending persons on board;

Amendment

(d) If evidence is found that the vessel is engaged in the smuggling and/or trafficking of migrants, seizing the ship and apprehending persons suspected of smuggling and/or trafficking on board;

Or. en

Justification

According to the Protocol against Smuggling state parties are obliged to take measures against persons involved in smuggling - while protecting the rights of smuggled migrants. Furthermore, the Protocol allows for measures such as seizing a vessel only in case evidence of smuggling is found.

Amendment 145
Cecilia Wikström

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course;

Amendment

deleted

Or. en

Amendment 146
Franziska Keller

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course; *deleted*

Or. en

Justification

The UN Convention on the Law of the Sea provides for the freedom of navigation on the high seas. It is therefore not possible for a participating unit to order the ship to modify its course on the high seas.

Amendment 147
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course; *deleted*

Or. de

Amendment 148
Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course;

Amendment

(e) ordering the ship to modify its course outside of or towards a destination other than the territorial sea or, ***where formally proclaimed***, the contiguous zone, including escorting the vessel or steaming nearby until the ship is heading on such course;

Or. en

Justification

Under Article 33 of the United Nations Convention on the Law of the Sea, it is necessary for a contiguous zone to be formally proclaimed, thereby entitling the coastal state to monitor vessels in transit with a view to preventing or punishing infringements of its customs, fiscal, immigration or sanitary laws and regulations.

Amendment 149
Cecilia Wikström

Proposal for a regulation
Article 7 – paragraph 1 – point f

Text proposed by the Commission

(f) conducting the ship or persons on board to a third country or otherwise handing over the ship or persons on board to the authorities of a third country;

Amendment

deleted

Or. en

Amendment 150
Franziska Keller

Proposal for a regulation
Article 7 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) conducting the ship or persons on board to a third country or otherwise handing over the ship or persons on board to the authorities of a third country; ***deleted***

Or. en

Justification

The UN Convention on the Law of the Sea provides for the freedom of navigation on the high seas. Measures such as conducting the ship or handing it over to other authorities are therefore not possible.

Amendment 151
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) conducting the ship or persons on board to a third country or otherwise handing over the ship or persons on board to the authorities of a third country; ***deleted***

Or. de

Justification

In the Hirsi Jafaa judgment of the European Court of Human Rights, it is stated that border control is a primary state function and that therefore all forms of immigration and border controls, regardless of where they take place, come under the European Convention on Human Rights. It is doubtful whether it is possible to make an individual and fair assessment - on the high seas - of individuals' vulnerability before, as is proposed in the article concerned, a vessel is escorted to a third country.

Amendment 152
Roberta Metsola

Proposal for a regulation
Article 7 – paragraph 1 – point g

Text proposed by the Commission

(g) conducting the ship or persons on board to the *host* Member State *or to another Member State participating in the operation*.

Amendment

(g) conducting the ship or persons on board to the Member State *under the jurisdiction of which such action is taken*.

Or. en

Amendment 153
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The measures described in point (f) of paragraph 1 may only be taken if the participating unit:

(i) has ascertained that the new destination of the ship meets the requirements for a place of safety and those laid down in Article 4(1) and

(ii) has conducted, if applicable, the activities provided for in Article 4(2) to (4).

Article 6 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection shall apply.

Or. en

Amendment 154
Monica Luisa Macovei

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When there are reasonable grounds to suspect that a ship is engaged in trafficking of human beings and illegal immigration:

(a) assistance shall be given to victims;

(b) all goods and instrumentalities used in activities related to trafficking of human beings and illegal immigration shall be frozen with the view to preserve the evidence and ensure confiscation where ordered.

Or. en

Amendment 155
Roberta Metsola

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the ship is flying the flag or displays the marks of registry of the host Member State or of a participating Member State, that Member State ***shall***, after confirming the nationality of the ship, authorise the measures laid down in paragraph 1.

2. Where the ship is flying the flag or displays the marks of registry of the host Member State or of a participating Member State, that Member State ***may***, after confirming the nationality of the ship, authorise ***one or more of*** the measures laid down in paragraph 1.

Or. en

Amendment 156
Roberta Metsola

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

6. Where, in the cases referred to in paragraphs 4 or 5, the suspicions regarding the nationality of the ship prove to be founded, the host Member State or the participating Member State **shall** authorise the measures laid down in paragraph 1.

Amendment

6. Where, in the cases referred to in paragraphs 4 or 5, the suspicions regarding the nationality of the ship prove to be founded, the host Member State or the participating Member State **may** authorise **one or more of** the measures laid down in paragraph 1.

Or. en

Amendment 157
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission

(8) Where there are reasonable grounds to suspect that a ship without nationality or one that may be assimilated to a ship without nationality is engaged in the smuggling of migrants by sea, the participating unit may board and stop the ship with a view to verifying its statelessness. If suspicions prove to be founded further appropriate measures as laid down in paragraph 1 may be taken in accordance with national law and international law.

Amendment

(8) Where there are reasonable grounds to suspect that a ship without nationality or one that may be assimilated to a ship without nationality is engaged in the smuggling of migrants by sea, the participating unit may board and stop the ship with a view to verifying its statelessness. If suspicions prove to be founded further appropriate measures as laid down in paragraph 1 may be taken in accordance with national law, **Union law** and international law.

Or. de

Amendment 158
Roberta Metsola

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission

10. The national official representing the host Member State or a participating Member State at the International Coordination Centre shall be ***designated under national law as an authority for the*** authorisation to verify the right of a ship to fly ***the flag of the Member State concerned*** or to take any of the measures laid down in paragraph 1.

Amendment

10. The national official representing the host Member State or a participating Member State at the International Coordination Centre shall be ***responsible to facilitate communications with the relevant authorities of the Member State concerned in seeking*** authorisation to verify the right of a ship to fly ***its*** flag or to take any of the measures laid down in paragraph 1.

Or. en

Amendment 159

Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. In the zone contiguous to the territorial sea of a Member State, which is a host Member State or a participating Member State, the measures laid down in Article 6(1) shall be taken in accordance with Article 6(2).

Amendment

1. In the ***formally proclaimed*** zone contiguous to the territorial sea of a Member State, which is a host Member State or a participating Member State, the measures laid down in Article 6(1) shall be taken in accordance with Article 6(2).

Or. en

Justification

Under Article 33 of the United Nations Convention on the Law of the Sea, it is necessary for a contiguous zone to be formally proclaimed, thereby entitling the coastal state to monitor vessels in transit with a view to preventing or punishing infringements of its customs, fiscal, immigration or sanitary laws and regulations.

Amendment 160

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. In the zone contiguous to the territorial sea of a Member State, which is a host Member State or a participating Member State, the measures laid down in Article 6(1) shall be taken in accordance with Article 6(2).

Amendment

1. In the zone contiguous to the territorial sea of a Member State, which is a host Member State or a participating Member State, the measures laid down in Article 6(1) shall be taken in accordance with Article 6(1a) **and** (2).

Or. en

Amendment 161
Franziska Keller

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. In the zone contiguous to the territorial sea of a Member State, which is a host Member State or a participating Member State, the measures laid down in Article 6(1) shall be taken in accordance with Article 6(2).

Amendment

1. In the zone contiguous to the territorial sea of a Member State, which is a host Member State or a participating Member State, the measures laid down in Article 6(1) shall be taken in accordance with Article 6(2) **and Article 4**.

Or. en

Amendment 162
Franziska Keller

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Compensation

Where the grounds for measures taken pursuant to Articles 6, 7 and 8 prove to be

unfounded, the host Member State or the participating Member States, whose participating unit has intercepted, searched or seized the vessel, shall compensate the vessel and the persons on board for any loss or damage that may have been sustained, provided that they have not committed any act justifying the measures taken.

Or. en

Justification

The amendment brings the regulation in line with the Protocol against the Smuggling of Migrants.

Amendment 163

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 164

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. *During* a sea operation, participating units *shall* render assistance to any ship or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

1. *Before* a sea operation, *Member States shall instruct their* participating units *to comply with the obligation to* render assistance to any ship or person in distress at sea, *in accordance with applicable provisions of international Conventions*

governing search and rescue and fundamental rights. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

Or. en

Amendment 165
Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. During a sea operation, participating units shall render assistance to any ship or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

Amendment

1. During a sea operation, *according to international law on search and rescue*, participating units shall render assistance to any ship or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

Or. en

Amendment 166
Josef Weidenholzer

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

(1) During a sea operation, participating units shall render assistance to any ship or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

Amendment

(1) During a sea operation, participating units shall render assistance *without delay* to any ship or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

Or. de

Amendment 167

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. When facing, in the course of a sea operation, a situation of uncertainty, alert or distress as regards a ship or any person on board, the participating unit shall forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region in which the situation occurs.

Amendment

2. When facing, in the course of a sea operation, a situation of uncertainty, alert or distress as regards a ship or any person on board, the participating unit shall forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region in which the situation occurs. ***In cases where it is unclear which Rescue Coordination Centre is responsible, the participating unit shall forward all available information as soon as possible to the International Coordination Centre which, in turn, shall immediately appoint a responsible Rescue Coordination Centre.***

Or. en

Amendment 168

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. When facing, in the course of a sea operation, a situation of uncertainty, alert or distress as regards a ship or any person on board, the participating unit shall forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region in which the situation occurs.

Amendment

2. When facing, in the course of a sea operation, a situation of uncertainty, alert or distress as regards a ship or any person on board, the participating unit shall forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region in which the situation occurs ***and to the International Coordination***

Centre. It shall transmit the information to the National Coordination Centre of the Member State responsible for the region.

Or. en

Justification

The International Coordination Centre and the National Coordination Centres have to be involved in the exchange of information about search and rescue operation. This will also improve the running of Eurosur.

Amendment 169

Véronique Mathieu Houillon, Roberta Metsola, Georgios Papanikolaou

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. When facing, in the course of a sea operation, a situation of uncertainty, alert or distress ***as regards a ship or any person on board***, the participating unit shall forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region in which the situation occurs.

Amendment

2. When facing, in the course of a sea operation, a situation of uncertainty, alert or distress, the participating unit shall forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region in which the situation occurs.

Or. en

Amendment 170

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. ***A ship or the persons on board shall be considered to be in a situation of uncertainty in particular when:*** ***deleted***

Amendment

- (a) doubt exists as to the safety of a ship or the persons on board; or*
- (b) there is lack of information concerning progress or position of a ship.*

Or. en

Amendment 171

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. A ship or the persons on board shall be considered to be in a situation of alert in particular when:

deleted

(a) apprehension exists as to the safety of a ship or the persons on board because of information that serious difficulties exist, but not to the extent that a distress situation is likely; or

(b) there is continued lack of information concerning progress or position of a ship.

Or. en

Amendment 172

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. A ship or the persons on board shall be considered to be in a situation of distress in particular when:

deleted

(a) positive information is received that a ship or a person on board is in danger and needs immediate assistance; or

(b) attempts to establish contact with the ship fail and unsuccessful inquiries point to the probability that the ship is in distress; or

(c) information is received which indicates that the operating efficiency of the ship has been impaired to the extent that a distress situation is likely.

Or. en

Amendment 173

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. When assessing the situation for the purposes of paragraphs 3 to 5, participating units shall take all relevant elements into account, including:

deleted

(a) the existence of a request for assistance;

(b) the seaworthiness of the ship and the likelihood that the ship will not reach its final destination;

(c) the number of passengers in relation to the type and condition of the ship;

(d) the availability of necessary supplies such as fuel, water, food to reach a shore;

(e) the presence of qualified crew and command of the ship;

(f) the availability and capability of safety, navigation and communication equipment;

(g) the presence of passengers in urgent need of medical assistance;

(h) the presence of deceased passengers;

(i) the presence of pregnant women or

children;

*(j) the weather and sea conditions,
including weather and marine forecasts.*

Or. en

Amendment 174
Josef Weidenholzer

Proposal for a regulation
Article 9 – paragraph 6 – point c

Text proposed by the Commission

(c) the number of *passengers* in relation to the type and condition of the ship;

Amendment

(c) the number of *persons on board* in relation to the type and condition of the ship;

Or. de

Amendment 175
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 9 – paragraph 6 – point i a (new)

Text proposed by the Commission

(ia) the presence of persons with disabilities or of other vulnerable persons;

Amendment

Or. en

Amendment 176
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 6 – point i a (new)

Text proposed by the Commission

Amendment

(ia) the presence of persons with disabilities or of other vulnerable persons;

Or. en

Amendment 177

Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation

Article 9 – paragraph 6 – point i a (new)

Text proposed by the Commission

Amendment

(ia) the presence of persons with disabilities;

Or. en

Amendment 178

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 9 – paragraph 7

Text proposed by the Commission

Amendment

7. Participating units shall promptly communicate their assessment of the situation to the responsible Rescue Coordination Centre. While awaiting instructions from the Rescue Coordination Centre, participating units shall take all the appropriate measures to ensure the safety of the persons concerned.

deleted

Or. en

Amendment 179
Josef Weidenholzer

Proposal for a regulation
Article 9 – paragraph 7

Text proposed by the Commission

(7) Participating units shall promptly *communicate their assessment of the situation to the responsible Rescue Coordination Centre. While awaiting instructions from the Rescue Coordination Centre, participating units shall take all the appropriate measures to ensure the safety of the persons concerned.*

Amendment

(7) Participating units shall promptly *take all appropriate measures to ensure the safety and care of the persons concerned, communicate their assessment of the situation to the Rescue Coordination Centre responsible, and await the Rescue Coordination Centre's instructions.*

Or. de

Justification

Protecting lives must be the priority. The original wording was somewhat misleading.

Amendment 180
Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission

8. The existence of a distress situation shall not be exclusively dependent on or determined by an actual request for assistance. Where, despite a ship being perceived to be in a distress situation, the persons on board refuse to accept assistance, the participating unit shall inform the Rescue Coordination Centre and continue to fulfil a duty of care by surveying the ship at a prudent distance and by taking any measure necessary for the safety of the persons concerned, while avoiding to take any action that might

Amendment

deleted

aggravate the situation or increase the chances of injury or loss of life.

Or. en

Amendment 181
Josef Weidenholzer

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission

(8) The existence of a distress situation shall not be *exclusively* dependent on or determined by an actual request for assistance. Where, despite a ship being perceived to be in a distress situation, the persons on board refuse to accept assistance, the participating unit shall inform the Rescue Coordination Centre and continue to fulfil a duty of care by surveying the ship at a prudent distance and by taking any measure necessary for the safety of the persons concerned, while avoiding to take any action that might aggravate the situation or increase the chances of injury or loss of life.

Amendment

(8) The existence of a distress situation shall not be dependent on or determined by an actual request for assistance. Where, despite a ship being perceived to be in a distress situation, the persons on board refuse to accept assistance, the participating unit shall inform the Rescue Coordination Centre and continue to fulfil a duty of care by surveying the ship at a prudent distance and by taking any measure necessary for the safety of the persons concerned, while avoiding to take any action that might aggravate the situation or increase the chances of injury or loss of life.

Or. de

Amendment 182
Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation
Article 9 – paragraph 9

Text proposed by the Commission

9. Where the Rescue Coordination Centre of the third country responsible for the search and rescue region does not respond to the notification transmitted by the participating unit, the latter shall

Amendment

deleted

contact the Rescue Coordination Centre of the host Member State unless another Rescue Coordination Centre is better placed to assume coordination of the search and rescue situation.

Or. en

Amendment 183

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 9 – paragraph 10

Text proposed by the Commission

Amendment

10. The participating units shall inform the International Coordination Centre as soon as possible of any contact with the Rescue Coordination Centre and of the course of action taken by them.

deleted

Or. en

Amendment 184

Josef Weidenholzer

Proposal for a regulation

Article 9 – paragraph 11

Text proposed by the Commission

Amendment

(11) Where the ship cannot *or can no longer* be considered as being in a distress situation or the search and rescue operation has been concluded, the participating unit shall, in consultation with the International Coordination Centre, resume the sea operation.

(11) Where the ship cannot be considered as being in a distress situation or the search and rescue operation has been concluded, *in accordance with Article 10(4)*, the participating unit shall, in consultation with the International Coordination Centre, resume the sea operation.

Or. de

Amendment 185
Cecilia Wikström

Proposal for a regulation
Article 9 – paragraph 11

Text proposed by the Commission

11. Where the ship cannot or can no longer be considered as being in a distress situation or the search and rescue operation has been concluded, the participating unit shall, in consultation with the International Coordination Centre, resume the sea operation.

Amendment

11. Where the ship cannot or can no longer be considered as being in a distress situation or the search and rescue operation has been concluded ***as provided for in Article 10(4)***, the participating unit shall, in consultation with the International Coordination Centre, resume the sea operation.

Or. en

Justification

In case of a ship in distress, a search and rescue operation can only be concluded by the disembarkation of those rescued in line with Article 10(4).

Amendment 186
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Search and rescue situations

During a sea operation, Member States shall instruct their participating units to comply with the obligation to render assistance to any ship or person in distress at sea, in accordance with applicable provisions of international Conventions governing search and rescue and fundamental rights. They shall do so regardless of the nationality or status of such a person or the circumstances in

which that person is found.

Or. en

Amendment 187

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. es

Amendment 188

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. The modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan. *Those modalities for disembarkation shall not have the effect of imposing obligations on Member States not participating in the sea operation unless they expressly provide authorisation for measures to be taken in their territorial sea or contiguous zone in accordance with Article 6(4) or Article 8(2).*

1. For the purposes of sea operations coordinated by the Agency, the modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan. The participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation. The modalities shall be in accordance with international law and relevant bilateral agreements which comply with international law.

Or. en

Amendment 189

Franziska Keller

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan. Those modalities for disembarkation shall not have the effect of imposing obligations on Member States not participating in the sea operation unless they expressly provide authorisation for measures to be taken in their territorial sea or contiguous zone in accordance with Article 6(4) or Article 8(2).

Amendment

1. The modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan ***in accordance with Article 4***. Those modalities for disembarkation shall not have the effect of imposing obligations on Member States not participating in the sea operation unless they expressly provide authorisation for measures to be taken in their territorial sea or contiguous zone in accordance with Article 6(4) or Article 8(2). ***Modalities for disembarkation may specify that disembarkation does not necessarily imply sole responsibility for the State on whose territory persons rescued at sea are disembarked.***

Or. en

Amendment 190
Josef Weidenholzer

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

(1) The modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan. Those modalities for disembarkation shall not have the effect of imposing obligations on Member States not participating in the sea operation unless they expressly provide authorisation for measures to be taken in their territorial sea or contiguous zone in accordance with Article 6(4) or Article 8(2).

Amendment

(1) The modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan, ***taking Article 4 into account***. Those modalities for disembarkation shall not have the effect of imposing obligations on Member States not participating in the sea operation unless they expressly provide authorisation for measures to be taken in their territorial sea or contiguous zone in accordance with Article 6(4) or Article 8(2).

Amendment 191

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. In the case of interception in the territorial sea or the contiguous zone as laid down in Article 6(2) or Article 8(1), disembarkation shall take place in the host Member State or in the participating Member State in whose territorial waters or contiguous zone the interception takes place.

deleted

In the case of interception in the territorial sea or the contiguous zone as laid down in Article 6(4) or Article 8(2), disembarkation shall take place in the Member State in whose territorial waters or contiguous zone the interception takes place.

Amendment 192

Anna Maria Corazza Bildt

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Before disembarkation, the persons intercepted or rescued at sea shall be informed in a way they can understand on the place of disembarkation and to the extent feasible on their rights if they are in need of international protection. Particular attention shall be given to

unaccompanied minors.

Or. en

Amendment 193
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Subject to the application of Article 4, in the case of interception on the high seas as laid down in Article 7, disembarkation may take place in the third country from which the ship departed. If that is not possible, disembarkation shall take place in the host Member State. *deleted*

Or. en

Amendment 194
Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Subject to the application of Article 4, in the case of interception on the high seas as laid down in Article 7, disembarkation may take place in the third country from which the ship departed. If that is not possible, disembarkation shall take place in the host Member State. *deleted*

Or. en

Amendment 195
Josef Weidenholzer

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

(3) Subject to the application of Article 4, ***in the case of interception on the high seas as laid down in Article 7,*** disembarkation may take place in the third country from which the ship departed. If that is not possible, disembarkation shall take place in the host Member State.

Amendment

(3) Subject to the application of Article 4, disembarkation ***following a rescue operation on the high seas*** may take place in the third country from which the ship departed, ***provided that that location is the nearest place of safety.*** If that is not possible, disembarkation shall take place in the host Member State.

Or. de

Amendment 196
Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. In the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation.

Without prejudice to the responsibility of the Rescue Coordination Centre, the host Member State and the participating Member States shall as soon as possible ensure that a port or place of safety is identified taking into account relevant factors, such as distances to the closest ports or places of safety, risks and the circumstances of the case.

Where the participating unit is not

Amendment

deleted

released of its obligation referred to in Article 9(1) as soon as reasonably practicable, taking into account the safety of the rescued persons and that of the participating unit itself, it shall be authorised to disembark the rescued persons in the host Member State.

Or. en

Amendment 197
Cecilia Wikström

Proposal for a regulation
Article 10 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation.

Amendment

In the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation, ***subject to the application of Article 4.***

Or. en

Justification

Reference to the obligation that disembarkation is carried out in compliance with the principle of non-refoulement, provided that the suggested amendment to Article 4 on non-refoulement is adopted.

Amendment 198
Marie-Christine Vergiat

Proposal for a regulation
Article 10 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation.

Amendment

Subject to the application of Article 4, in the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation.

Or. fr

Justification

The provisions of Article 4 of the regulation must apply to disembarkation, too, covering not only intercepted migrants, but also persons rescued.

Amendment 199

Franziska Keller

Proposal for a regulation

Article 10 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation.

Amendment

Subject to the application of Article 4, in the case of search and rescue situations as laid down in Article 9, the participating units shall cooperate with the responsible Rescue Coordination Centre to provide a suitable port or place of safety for the rescued persons and to ensure their rapid and effective disembarkation.

Or. en

Amendment 200

Véronique Mathieu Houillon, Georgios Papanikolaou, Roberta Metsola

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The participating units shall inform the International Coordination Centre of the presence of any persons within the meaning of Article 4(1), and the International Coordination Centre shall convey that information to the competent national authorities. On the basis of that information, the operational plan should determine which follow-up measures may be taken.

deleted

Or. en

Amendment 201

Marco Scurria, Roberta Angelilli, Salvatore Iacolino

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The participating units shall inform the International Coordination Centre of the presence of any persons within the meaning of Article 4(1), and the International Coordination Centre shall convey that information to the **competent national authorities**. On the basis of that information, the operational plan should determine which follow-up measures may be taken.

5. The participating units shall inform the International Coordination Centre of the presence of any persons within the meaning of Article 4(1), and the International Coordination Centre shall convey that information to the **National Coordination Centre**. On the basis of that information, the operational plan should determine which follow-up measures may be taken.

Or. en

Amendment 202

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Disembarkation

For the purposes of sea operations coordinated by the Agency, the modalities for the disembarkation of the persons intercepted or rescued in a sea operation shall be set out in the operational plan, and shall be in accordance with international law and relevant bilateral agreements which comply with international law.

Or. en

Amendment 203

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Rescue by private parties

Each Member State shall require the master of a ship flying its flag to proceed with all possible speed to the rescue of persons in distress at sea and to render all possible assistance to them regardless of their nationality or status or of the circumstances in which these persons are found, provided that he can do so without serious danger to the ship, the crew or the passengers. Member States shall not take any measures, including criminal procedures and sanctions, against ship masters who have rescued persons in distress and brought them to a harbour on their territory.

Or. en

Amendment 204
Salvatore Iacolino, Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Specialised branches

Pursuant to Article 16 of Regulation (EU) No 2004/2007, the Agency shall evaluate the need to set up specialised branches, for all aspects relating to the surveillance of maritime borders, as operational offices in areas subject to significant migration flows, including illegal migration and in particular in the Mediterranean, to improve coordination between Member States and ensure solidarity and responsible burden-sharing between them, thereby strengthening the operational capacity of the Agency.

Or. it

Justification

The establishment of an operational office in the Mediterranean is consistent with the provisions set out in Parliament's resolution of 23 October 2013 on 'Migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa' and in keeping with the statements on reinforcing the activities of Frontex in the Mediterranean, expressed in the Conclusions of the European Council of 24-25 October 2013.

Amendment 205
Roberta Angelilli, Marco Scurria, Salvatore Iacolino

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Solidarity mechanisms

1. A Member State faced with a situation of urgent and exceptional pressure at its external border shall be able to request:

– the deployment of European Border Guard Teams in accordance with Article 8a of Regulation (EC) No 2007/2004 to provide rapid operational assistance to the Member State;

– the Agency for technical and operational assistance in accordance with Article 8 of Regulation (EC) No 2007/2004 in order to obtain assistance on matters of coordination between Members States and/or the deployment of experts to support the competent national authorities;

– emergency assistance under Article 14 of Regulation XXXX [ISF borders] to address urgent and specific needs in the event of an emergency situation.

2. A Member State subject to strong migratory pressure which places urgent demands on its reception facilities and asylum systems shall be able to request:

– the European Asylum Support Office for the deployment of an asylum support team in accordance with Article 13 of Regulation (EU) No 439/2010 of the European Parliament and of the Council to provide expertise, in particular in relation to interpreting services, information on countries of origin and knowledge of the handling and management of asylum cases;

– emergency assistance under Article 22 of Regulation XXX ([Asylum and Migration Fund]) to address urgent and specific needs in the event of an emergency situation;

– the Commission to check the willingness of the Member States to accommodate asylum seekers.

3. With a view to the proper implementation of this Article, the

Commission shall continuously monitor the facilities used for the reception of asylum seekers in the Member States and, in the cases described in this article, once it has verified how many places are actually available in such facilities, shall propose a fair redistribution of asylum seekers between Member States, in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU).

Or. it

Amendment 206
Josef Weidenholzer

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Report

1. The Agency shall submit a report to the European Parliament, the Council and the Commission on the implementation of this Regulation by xxx (two years after entry into force) and every two years thereafter.

2. The report shall include a description of the procedures put in place by the Agency to implement this Regulation during sea operations and an assessment of the practical application of this Regulation, including any incidents which may have taken place. It shall provide detailed information on compliance with fundamental rights, and on the impact on those rights, and shall contain an overview of any reasons expressed by intercepted persons, under Article 4(3), and of measures taken subsequently.

Justification

The Agency's reports to Parliament, the Council and the Commission - an important addition made by the rapporteur - should also go into the key issue, i.e. the objections raised by intercepted persons.

Amendment 207

Roberta Angelilli, Marco Scurria, Salvatore Iacolino

Proposal for a regulation

Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

Report

- 1. The Agency shall submit a report to the European Parliament, the Council and the Commission on the implementation of this Regulation by xxx (two years after entry into force) and every two years thereafter.***
- 2. The report shall include a description of the procedures put in place by the Agency to implement this Regulation during sea operations and an assessment of the practical application of this Regulation, including any incidents which may have taken place, and of the compliance with and impact on fundamental rights.***
- 3. The Commission, taking account of this report, during the preparation and presentation of the Agency's annual budget, shall ensure that the available resources are used efficiently, through a fair balance between administrative expenditure and operational expenditure.***

Or. it

Justification

The budget needs to be divided fairly between administrative expenditure and operational expenditure. In 2013, staff expenditure amounted to some EUR 22 million, in addition to administrative expenditure of around EUR 10 million. Operational expenditure currently stands at around EUR 48-50 million.