



EUROPEAN PARLIAMENT

2009 - 2014

---

Committee on Civil Liberties, Justice and Home Affairs

---

**2010/0312(COD)**

30.5.2011

# **AMENDMENTS**

## **24 - 93**

**Draft report**  
**Carlos Coelho**  
(PE460.834v01-00)

Proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen *acquis*

Proposal for a regulation  
(COM(2010)0624 – C7-0370/2010 – 2010/0312(COD))

AM\867412EN.doc

PE464.941v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_LegReport

**Amendment 24**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The Schengen area without internal border controls relies on effective and efficient application by the Member States of accompanying measures in the areas of external borders, visa policy, the Schengen Information System, including data protection, police cooperation, judicial cooperation in criminal matters and drugs policies.

*Amendment*

(1) The Schengen area without internal border controls ***has mutual trust among Member States at its core and*** relies on effective and efficient application by the Member States of accompanying measures in the areas of external borders, visa policy, the Schengen Information System, including data protection, police cooperation, judicial cooperation in criminal matters, ***the fight against corruption and organised crime, and*** drugs policies.

Or. en

**Amendment 25**  
**Kinga Göncz**

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

*Text proposed by the Commission*

*Amendment*

***(1a) The Schengen area is one of the main achievements of the Union appreciated the most by the citizens, ensuring freedom of movement. Therefore, the absence of control and checks at internal borders should be safeguarded.***

Or. en

## Amendment 26

Ioan Enciu

### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

(3) A specific evaluation mechanism to verify application of the Schengen acquis ***is necessary given the need to*** ensure high uniform standards in application of the Schengen acquis in practice and ***to maintain*** a high level of mutual trust between those Member States that form part of an area without internal border controls. Such a mechanism should build upon close cooperation between the Commission and those Member States.

*Amendment*

(3) A specific ***and uniform*** evaluation mechanism ***is necessary*** to verify application of the Schengen acquis ***both in the candidate countries and in Member States to which the Schengen acquis apply in whole or in part, in accordance with the relevant protocol annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union. That mechanism should*** ensure high uniform standards in application of the Schengen acquis in practice and ***maintenance of*** a high level of mutual trust between those Member States that form part of an area without internal border controls. Such a mechanism should build upon close cooperation between the Commission and those Member States.

Or. ro

## Amendment 27

Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares

### Proposal for a regulation

#### Recital 5

*Text proposed by the Commission*

(5) The Stockholm Programme ‘considers that the evaluation of the Schengen area will continue to be of key importance ***and that it therefore should be improved by strengthening the role of Frontex in this field***’.

*Amendment*

(5) The Stockholm Programme ‘considers that the evaluation of the Schengen area will continue to be of key importance’.

Or. en

**Amendment 28**  
**Kinga Göncz**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a) A candidate State meeting the requirements should be able to join without significant delay.**

Or. en

**Amendment 29**  
**Ioan Enciu**

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

*Text proposed by the Commission*

*Amendment*

(7) The experience gathered during previous evaluations demonstrates the need to maintain a coherent evaluation mechanism covering all areas of the Schengen acquis except those where a specific evaluation mechanism already exists within EU law.

(7) The experience gathered during previous evaluations demonstrates the need to maintain a coherent, **transparent and uniform** evaluation mechanism covering all areas of the Schengen acquis except those where a specific evaluation mechanism already exists within EU law.

Or. ro

*Justification*

*The experience gathered during previous evaluations also demonstrates the need for greater transparency and predictability, which will ensure that evaluation of the application of the Schengen acquis is conducted on the basis of clear and uniform criteria.*

**Amendment 30**  
**Sarah Ludford, Jens Rohde, Nadja Hirsch, Jan Mulder**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

(7) The experience gathered during previous evaluations demonstrates the need to maintain a coherent evaluation mechanism covering all areas of the Schengen acquis except those where a specific evaluation mechanism already exists within EU law.

*Amendment*

(7) The experience gathered during previous evaluations demonstrates the need to maintain a coherent evaluation mechanism covering, all areas of the Schengen acquis, except those where a specific evaluation mechanism already exists within EU law, **judicial reform, and the fight against corruption and organised crime.**

Or. en

**Amendment 31**

**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

(7) The experience gathered during previous evaluations demonstrates the need to maintain a coherent evaluation mechanism covering all areas of the Schengen acquis ***except those where a specific evaluation mechanism already exists within EU law.***

*Amendment*

(7) The experience gathered during previous evaluations demonstrates the need to maintain a coherent evaluation mechanism covering all areas of the Schengen acquis.

Or. en

**Amendment 32**

**Timothy Kirkhope**

**Proposal for a regulation**

**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) In addition the evaluation***

*mechanism should take the situation concerning corruption and organised crime into account.*

Or. en

*Justification*

*A credible Schengen Evaluation Mechanism must include, beyond the technical criteria already formulated, ways to assess the situation concerning organized crime and corruption, as this is directly linked to the functioning of border controls, maintenance of databases, etc.*

**Amendment 33**  
**Carlos Coelho**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) Member States should be closely involved in the evaluation process. **Measures** for implementation of this Regulation **should be** adopted by the **management procedure, as provided for** in **Article 4** of Council **Decision 1999/468/EC** of **28 June 1999** laying down the **procedures** for the exercise of implementing powers **conferred on the Commission**.

*Amendment*

(8) Member States should be closely involved in the evaluation process. **In order to ensure uniform conditions** for the implementation of this Regulation, **in particular for the adoption and adaptation of the multiannual evaluation programme and of the first section of the annual evaluation programme, for making recommendations on the classification of the findings in the evaluation reports, and for scheduling announced visits to verify the implementation of the action plan adopted by a Member State to remedy the identified weaknesses, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011** laying down the **rules and general principles concerning mechanisms for control by Member States of the Commission's** exercise of

implementing powers.<sup>1</sup>

---

<sup>1</sup> *OJ L 55, 28.2.2011, p. 13.*

Or. en

**Amendment 34**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) The evaluation mechanism should set up transparent, efficient and clear rules on the method to be applied for the evaluations, the use of highly qualified experts for on-site visits and the follow-up to the findings of the evaluations. In particular, the method should provide for unannounced on-site visits to supplement the announced on-site visits, notably with regard to border controls and visas.

*Amendment*

(9) The evaluation mechanism should ***be based on a Union approach and should*** set up transparent, efficient and clear rules on the method to be applied for the evaluations, the use of highly qualified experts for on-site visits and the follow-up to the findings of the evaluations. In particular, the method should provide for unannounced on-site visits to supplement the announced on-site visits, notably with regard to border controls and visas.

Or. en

**Amendment 35**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) The evaluation mechanism should also include verification of the relevant legislation on the abolition of controls at internal borders and checks within national territory. ***In view of the specific nature of these provisions, which do not affect the***

*Amendment*

(10) The evaluation mechanism should also include verification of the relevant legislation on the abolition of controls at internal borders and checks within national territory. ***The*** relevant on-site visits should be entrusted to Commission ***officials in***

---

1



*internal security of the Member States, the relevant on-site visits should be entrusted **exclusively** to the Commission.*

*cooperation with Member States' experts and representatives of the European Parliament.*

Or. en

**Amendment 36**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10a) The Commission's role is particularly relevant in ensuring the coordination of the evaluation programmes and the monitoring of the follow-up procedure. Furthermore, during the evaluation process, the Commission should bring independence, transparency and accountability, and promote mutual trust among the parties involved.*

Or. en

**Amendment 37**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) The evaluation should pay particular attention to respect of fundamental rights when applying the Schengen acquis.

(11) The evaluation should pay particular attention to respect of fundamental rights **and data protection** when applying the Schengen acquis.

Or. en

**Amendment 38**  
**Carlos Coelho**

**Proposal for a regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) The European Data Protection Supervisor and the national supervisory authorities, each acting within the scope of their respective competences, should participate in on-site visits concerning data protection.***

Or. en

**Amendment 39**  
**Carlos Coelho**

**Proposal for a regulation**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) The evaluation mechanism should provide for a support mechanism in case a serious deficiency, which has a possible significant impact on the internal security of the Schengen area, is detected in a Member State applying the Schengen acquis in full or in part. In the event of the Member State concerned not being able, within a six-month period and with the support of Frontex experts, to remedy the deficiency, it should be possible to apply follow-up measures and sanctions.***

Or. en

**Amendment 40**  
**Carlos Coelho**

**Proposal for a regulation**  
**Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

***(13b) The sanctions may comprise a temporary reintroduction of border control at the internal borders by the other Member States of the Schengen area. A temporary reintroduction of border control at the internal borders should be the Council's decision, to be made only under exceptional circumstances, with a partial or a complete reintroduction of border control possible, and limited in duration to six months.***

Or. en

**Amendment 41  
Stavros Lambrinidis**

**Proposal for a regulation  
Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) The evaluation mechanism should provide for a support mechanism in case a serious deficiency, which has a possible significant impact on the internal security of the Schengen area, is detected. In the event of the Member State concerned not being able, within a six-month period and with the support of Frontex experts, to remedy the deficiency, it should be possible to apply follow-up measures and sanctions, which could lead to the reintroduction of border controls for a limited period of time, in full respect of Articles 78(3) and 80 of the Treaty on the Functioning of the European Union.***

Or. en

**Amendment 42**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) The Commission in cooperation with the Council shall decide on follow-up measures including sanctions which could lead to the temporary reintroduction of border controls. Upon the introduction of border controls, the Commission should set up financial compensatory measures in order to support the Member States concerned.***

Or. en

**Amendment 43**  
**Monica Luisa Macovei**

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

*Text proposed by the Commission*

*Amendment*

1. This Regulation establishes an evaluation mechanism to verify application of the Schengen acquis in the Member States to which the Schengen acquis applies in full.

1. This Regulation establishes an evaluation mechanism to verify application of the Schengen acquis in the Member States to which the Schengen acquis applies in full, ***together with accompanying measures in the areas of external borders, visa policy, the Schengen Information System, including data protection, police cooperation, judicial cooperation in criminal matters, the fight against corruption and organised crime, and drugs policies.***

Or. en

**Amendment 44**  
**Sarah Ludford**

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

*Text proposed by the Commission*

*Amendment*

***1a. The Member States to which, according to the relevant Protocol to the Treaty on European Union and the Treaty on the Functioning of the European Union, the Schengen acquis applies in part, shall participate in the evaluation mechanism as regards both purposes to the extent of their participation in the Schengen acquis.***

Or. en

*Justification*

*The amendment seeks to ensure that the UK and Ireland participate in the evaluation mechanism in so far as they participate in the Schengen acquis. This needs to be a separate paragraph so that the provision applies to both pre-accession and post-accession evaluations.*

**Amendment 45**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall be responsible for implementation of this evaluation mechanism in close cooperation with the Member States and with the support of European bodies, as specified in this Regulation.

1. The Commission shall be responsible for implementation of this evaluation mechanism in close cooperation with the Member States and with the support of European bodies, as specified in this Regulation, ***including Frontex, Europol and Eurojust.***

Or. en

**Amendment 46**  
**Carlos Coelho**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. A multiannual evaluation programme covering a period of five years shall be **established by the Commission**, in accordance with the procedure referred to in Article 15(2), **not later than six months before the start of the next five-year period**.

*Amendment*

1. **The Commission shall adopt implementing acts with a view to establishing a** multiannual evaluation programme covering a period of five years. **Those implementing acts shall be adopted** in accordance with the **examination** procedure referred to in Article 15 (2).

Or. en

**Amendment 47**  
**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. The multiannual programme shall contain the list of Member States to be evaluated each year. Each Member State shall be evaluated at least once during each five-year period. The order in which the Member States are to be evaluated shall be based on **a risk analysis taking into account the migratory pressure, internal security**, the time which has elapsed since the previous evaluation and the balance between the different parts of the Schengen acquis to be evaluated.

*Amendment*

2. The multiannual programme shall contain the list of Member States to be evaluated each year. Each Member State shall be evaluated at least once during each five-year period. The order in which the Member States are to be evaluated shall be based on **balanced geographical representation, on** the time which has elapsed since the previous evaluation and the balance between the different parts of the Schengen acquis to be evaluated.

Or. en

*Justification*

*Facts about migration can not be considered a suitable indicator for the quality of border management.*

**Amendment 48**

**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. By not later than 30 September each year, Frontex shall submit to the Commission ***a risk analysis taking into account migratory pressure and*** making recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this ***risk analysis*** available to the Member States.

*Amendment*

1. By not later than 30 September each year, Frontex shall submit to the Commission ***an assessment*** making recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this ***assessment*** available to the Member States ***and the European Parliament***.

Or. en

**Amendment 49**

**Ioan Enciu**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. By not later than 30 September each year, Frontex shall submit to the Commission a risk analysis taking into account migratory pressure and making recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this risk analysis available to

*Amendment*

1. By not later than 30 September each year, Frontex shall submit to the Commission a risk analysis taking into account migratory pressure and making recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this risk analysis available to

the Member States.

the Member States *and, at its duly substantiated request, to the European Parliament.*

Or. ro

#### **Amendment 50**

**Sarah Ludford, Jens Rohde, Nadja Hirsch, Jan Mulder**

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

#### **Article 6 – paragraph 1**

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

1. By not later than 30 September each year, Frontex shall submit to the Commission a risk analysis taking into account migratory pressure and making recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this risk analysis available to the Member States.

##### *Amendment*

1. By not later than 30 September each year, Frontex shall submit to the Commission a risk analysis taking into account migratory pressure and making recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this risk analysis available to the Member States *and to the European Parliament.*

Or. en

#### **Amendment 51**

**Monica Luisa Macovei**

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

#### **Article 6 – paragraph 1 a (new)**

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

##### *Amendment*

*1a. By not later than 30 September each year, Europol shall submit to the Commission a risk analysis regarding serious crimes, terrorism, corruption and organised crime that affect a common*



*interest covered by Union policy, including internal security, together with recommendations for priorities for evaluations in the next year. The recommendations shall refer to specific sections of the external borders and to specific border crossing-points to be evaluated in the next year under the multiannual programme. The Commission shall make this risk analysis available to the Member States.*

Or. en

**Amendment 52**

**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**

**Article 6 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*1b. By the same deadline as stated in paragraph 1, the Fundamental Rights Agency shall submit to the Commission a risk analysis regarding the fundamental rights situation at external and internal borders, paying special attention to compliance with the abolition of checks at internal borders, making recommendations for priorities for evaluations in the next year. The Commission shall make this risk analysis available to the Member States and the European Parliament.*

Or. en

**Amendment 53**

**Mariya Nedelcheva**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

2. By the same deadline as stated in paragraph 1, Frontex shall submit to the Commission a separate risk analysis making recommendations for priorities for evaluations to be implemented in the form of unannounced on-site visits in the next year. These recommendations may concern any region or specific area and shall contain a list of at least ten specific sections of the external borders and ten specific border crossing-points.

*Amendment*

2. By the same deadline as stated in paragraph 1, Frontex shall submit to the Commission a separate risk analysis making recommendations for priorities for evaluations to be implemented in the form of unannounced on-site visits in the next year. These recommendations may concern any region or specific area and shall contain a list of at least ten specific sections of the external borders and ten specific border crossing-points. ***The recommendations should be based on the real risks for the functioning of the Schengen area, rather than just the hypothetical risks.***

Or. en

*Justification*

*It is important to distinguish real risks (e.g. known crossing-points of illegal migrants) from hypothetical risks (e.g. assumptions and expectations of increased migration flows).*

**Amendment 54**

**Georgios Papanikolaou**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

2. By the same deadline as stated in paragraph 1, Frontex shall submit to the Commission a separate risk analysis making recommendations for priorities for evaluations to be implemented in the form of unannounced on-site visits in the next year. These recommendations may concern any region or specific area and shall contain a list of at least ten specific sections of the external borders and ten specific border crossing-points.

*Amendment*

2. By the same deadline as stated in paragraph 1, Frontex shall submit to the Commission a separate risk analysis making recommendations for priorities for evaluations to be implemented in the form of unannounced on-site visits in the next year. These recommendations may ***take into consideration the annual report of Frontex and may*** concern any region or specific area and shall contain a list of at least ten specific sections of the external borders and ten specific border crossing-

points.

Or. en

**Amendment 55**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. By the same deadline as stated in paragraph 1, Europol shall submit to the Commission a separate risk analysis making recommendations for priorities for evaluations to be implemented in the area of internal security, in the form of unannounced on-site visits in the next year.***

Or. en

**Amendment 56**  
**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall provide their replies to the questionnaire to the Commission within six weeks of communication of the questionnaire. The Commission shall make the replies available to the other Member States.

2. Member States shall provide their replies to the questionnaire to the Commission within six weeks of communication of the questionnaire. The Commission shall make the replies available to the other Member States ***and the European Parliament.***

Or. en

**Amendment 57**  
**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Taking into account *the risk analysis provided by Frontex in accordance with Article 6*, the replies to the questionnaire referred to in Article 7 and, where appropriate, other relevant sources, an annual evaluation programme shall be established by the Commission by not later than 30 November of the previous year. The programme may provide for evaluation of:

*Amendment*

1. Taking into account the replies to the questionnaire referred to in Article 7 and, where appropriate, other relevant sources, an annual evaluation programme shall be established by the Commission by not later than 30 November of the previous year. The programme may provide for evaluation of:

Or. en

**Amendment 58**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Taking into account the risk analysis provided by Frontex in accordance with Article 6, the replies to the questionnaire referred to in Article 7 and, where appropriate, other relevant sources, an annual evaluation programme shall be established by the Commission by not later than 30 November of the previous year. The programme may provide for evaluation of:

*Amendment*

1. Taking into account the risk analysis provided by Frontex *and Europol* in accordance with Article 6, the replies to the questionnaire referred to in Article 7 and, where appropriate, other relevant sources, an annual evaluation programme shall be established by the Commission by not later than 30 November of the previous year. The programme may provide for evaluation of:

Or. en

**Amendment 59**  
**Cornelia Ernst, Rui Tavares**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – indent 1**

*Text proposed by the Commission*

– application of the acquis or parts of the acquis by one Member State, as specified in the multiannual programme;

*Amendment*

– application of the acquis or, **where appropriate**, parts of the acquis by one Member State, as specified in the multiannual programme;

Or. en

**Amendment 60**

**Monica Luisa Macovei**

**Proposal for a regulation**

**Article 8 – paragraph 1 – indent 1**

*Text proposed by the Commission*

– application of the acquis or parts of the acquis by one Member State, as specified in the multiannual programme;

*Amendment*

– application of the acquis or parts of the acquis, **and of the accompanying measures specified in Article 1**, by one Member State, as specified in the multiannual programme;

Or. en

**Amendment 61**

**Monica Luisa Macovei**

**Proposal for a regulation**

**Article 8 – paragraph 1 – indent 2**

*Text proposed by the Commission*

– application of specific parts of the acquis across several Member States (thematic evaluations);

*Amendment*

– application of specific parts of the acquis, **and of the accompanying measures specified in Article 1**, across several Member States (thematic evaluations);

Or. en

**Amendment 62**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – indent 3**

*Text proposed by the Commission*

– application of the acquis by a group of Member States (regional evaluations).

*Amendment*

– application of the acquis, **and of the accompanying measures specified in Article 1**, by a group of Member States (regional evaluations).

Or. en

**Amendment 63**  
**Carlos Coelho**

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

*Text proposed by the Commission*

2. The first section of the programme, **adopted in accordance with the procedure referred to in Article 15(2)**, shall list the Member States to be evaluated in the next year in accordance with the multiannual programme. This section shall list the areas to be evaluated and the on-site visits.

*Amendment*

2. The first section of the programme shall list the Member States to be evaluated in the next year in accordance with the multiannual programme. This section shall list the areas to be evaluated and the on-site visits. **The Commission shall adopt the first section of the programme by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).**

Or. en

**Amendment 64**  
**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**  
**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. The experts shall have appropriate qualifications, including a solid theoretical knowledge and practical experience in the areas covered by the evaluation mechanism, along with sound knowledge of evaluation principles, procedures and techniques, and shall be able to communicate effectively in a common language.

*Amendment*

4. The experts shall have appropriate qualifications, including a solid theoretical knowledge and practical experience in the areas covered by the evaluation mechanism, ***including respect for fundamental rights***, along with sound knowledge of evaluation principles, procedures and techniques, and shall be able to communicate effectively in a common language.

Or. en

**Amendment 65**  
**Georgios Papanikolaou**

**Proposal for a regulation**  
**Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall invite Member States to designate experts who are available for participation in the respective on-site visits, indicating their area of expertise. In the case of announced visits, the Commission shall invite Member States to designate experts not later than six weeks before the on-site visit is scheduled. Member States shall designate the expert within one week of receipt of that invitation. In the case of unannounced visits, the Commission shall invite Member States to designate experts not later than two weeks before the on-site visit is scheduled. Member States shall designate the expert within 72 hours of receipt of that invitation. The Member States and the designated experts shall commit themselves to the obligation to respect the confidentiality regarding the unannounced on-site visits.***

**Amendment 66**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The Commission may invite Frontex, Europol, Eurojust or other relevant European bodies to designate a representative to take part as an observer in a visit concerning an area covered by their mandate.

*Amendment*

2. The Commission may invite Frontex, Europol, Eurojust, **the European Parliament** or other relevant European bodies to designate a representative to take part as an observer in a visit concerning an area covered by their mandate.

Or. en

**Amendment 67**  
**Mariya Nedelcheva**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The Commission may invite Frontex, Europol, Eurojust **or other relevant European bodies** to designate a representative to take part as an observer in a visit concerning an area covered by their mandate.

*Amendment*

2. The Commission may invite Frontex, Europol **and/or** Eurojust to designate a representative to take part as an observer in a visit concerning an area covered by their mandate. **The Commission shall define a clear mandate for the participating representatives including duration, responsibilities and functions.**

Or. en

*Justification*

*Keeping a definite list of the agencies and European bodies which can participate with experts will provide for clarity of mandate and avoid the interference of the evaluation teams into the competences of other European bodies. This will prevent the duplication of efforts and resources. Such an approach will clear up any doubts about arbitrary decisions towards*



*Member States, and will guarantee proportionality.*

**Amendment 68**  
**Carlos Coelho**

**Proposal for a regulation**  
**Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The European Data Protection Supervisor and the national supervisory authorities, each acting within the scope of their respective competences, shall be invited to participate in on-site visits concerning data protection.***

Or. en

**Amendment 69**  
**Hubert Pirker**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Member State concerned shall ensure that the team of experts can directly address relevant persons. It shall ensure that the team has access to all areas, premises and documents required for the evaluation. It shall ensure that the team is able to exercise its mandate to verify the activities in the areas to be evaluated.

4. The Member State concerned shall ensure that the team of experts can directly address relevant persons. It shall ensure that the team has access to all areas, premises and documents required for the evaluation. It shall ensure that the team is able to exercise its mandate to verify the activities in the areas to be evaluated, ***in particular by making people available for ad hoc translation and interpreting tasks from the language of the Member State into the common language, as set out in Article 9(4).***

Or. de

**Amendment 70**  
**Georgios Papanikolaou**

**Proposal for a regulation**  
**Article 11 – paragraph 7**

*Text proposed by the Commission*

7. The Member States shall be responsible for making the necessary travel and accommodation arrangements for their experts. The travel and accommodation costs for experts participating in the visits shall be reimbursed by the Commission.

*Amendment*

7. The Member States shall be responsible for making the necessary travel and accommodation arrangements for their experts. The travel and accommodation costs for experts participating in the visits shall be reimbursed by the Commission. ***In the case of unannounced on-site visits the Commission shall designate a contact point for making the practical arrangements for the on-site visit.***

Or. en

*Justification*

*In the case of unannounced on-site visits there is strict time restriction and therefore it is necessary that the Commission is held responsible for designating a contact point regarding the practical arrangements of the visit.*

**Amendment 71**  
**Sarah Ludford, Jens Rohde, Nadja Hirsch, Jan Mulder**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. A report shall be drawn up following each evaluation. The report shall be based on the findings of the on-site visit and the questionnaire, as ***appropriate***.

*Amendment*

1. A report shall be drawn up following each evaluation. The report shall be based on the findings of the on-site visit and the questionnaire. ***It shall include a thorough assessment of compliance with the Schengen acquis as well as with the benchmarks regarding judicial reform and the fight against corruption and organised crime, as established in Commission decisions C(2006)6569 and***

**Amendment 72**

**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) In the case of announced on-site visits, the report shall be drawn up by the team during the visit. The Commission official shall take overall responsibility for drafting the report and ensuring its integrity and quality. In case of disagreement, the team shall endeavour to reach a compromise. Dissenting opinions *may* be included in the report.

*Amendment*

(b) In the case of announced on-site visits, the report shall be drawn up by the team during the visit. The Commission official shall take overall responsibility for drafting the report and ensuring its integrity and quality. In case of disagreement, the team shall endeavour to reach a compromise. Dissenting opinions **shall** be included in the report.

**Amendment 73**

**Georgios Papanikolaou**

**Proposal for a regulation**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The report shall analyse the qualitative, quantitative, operational, administrative and organisational aspects, as appropriate, and shall list any shortcomings or weaknesses established during the evaluation. The report shall contain recommendations for remedial action and deadlines for implementing them.

*Amendment*

2. The report shall analyse the qualitative, quantitative, operational, administrative and organisational aspects, as appropriate, and shall list any shortcomings or weaknesses ***within and beyond the control of the relevant Member States*** established during the evaluation. The report shall contain recommendations ***for the relevant Member States as well as for the Commission, if necessary,*** for remedial ***or complementary*** action and deadlines for implementing them.

**Amendment 74**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 13 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall communicate the report to the Member State concerned within **six** weeks of the on-site visit or of receipt of the replies to the questionnaire, as appropriate. The Member State concerned shall provide its comments on the report within two weeks.

*Amendment*

4. The Commission shall communicate the report to the Member State concerned within **four** weeks of the on-site visit or of receipt of the replies to the questionnaire, as appropriate. The Member State concerned shall provide its comments on the report within two weeks.

Or. en

*Justification*

*In case of serious deficiencies in the system a rapid reaction is needed in order to maintain confidence in the Schengen system.*

**Amendment 75**  
**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

The Commission expert shall present the report and the reply from the Member State to the committee established in accordance with Article 15. Member States shall be invited to comment on the replies to the questionnaire, the report and the comments by the Member State concerned.

*Amendment*

The Commission expert shall present the report and the reply from the Member State to the committee established in accordance with Article 15 **and to the European Parliament**. Member States shall be invited to comment on the replies to the questionnaire, the report and the comments by the Member State concerned.

Or. en

**Amendment 76**  
**Carlos Coelho**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

The recommendations addressing the classification of the findings referred to in paragraph 3 shall be adopted *by the Commission* in accordance with the procedure referred to in Article 15(2).

*Amendment*

The *Commission shall adopt implementing acts with a view to making* recommendations addressing the classification of the findings referred to in paragraph 3. *Those implementing acts* shall be adopted in accordance with the *examination* procedure referred to in Article 15 (2).

Or. en

**Amendment 77**  
**Mariya Nedelcheva, Georgios Papanikolaou**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

Within one month after adoption of the report, the Member State concerned shall provide the Commission with an action plan to remedy any weaknesses identified.

*Amendment*

Within one month after adoption of the report, the Member State concerned shall provide the Commission with an action plan to remedy any weaknesses identified. *If the report of the Commission is based on thematic or regional evaluations and concerns more than one Member State, the action plans of the Member States shall be coordinated.*

Or. en

**Amendment 78**  
**Sarah Ludford, Nadja Hirsch**

**Proposal for a regulation**  
**Article 13 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

The Member State concerned shall report to the Commission on implementation of the action plan within **six** months of receipt of the report and shall thereafter continue to report every three months until the action plan is fully implemented. Depending on the severity of the weaknesses identified and the measures taken to remedy them, the Commission may schedule announced visits in accordance with the procedure referred to in Article 15(2) to verify implementation of the action plan. The Commission may also schedule unannounced on-site visits.

*Amendment*

The Member State concerned shall report to the Commission on implementation of the action plan within **four** months of receipt of the report and shall thereafter continue to report every three months until the action plan is fully implemented. Depending on the severity of the weaknesses identified and the measures taken to remedy them, the Commission may schedule announced visits in accordance with the procedure referred to in Article 15(2) to verify implementation of the action plan. The Commission may also schedule unannounced on-site visits.

Or. en

*Justification*

*In case of serious deficiencies in the system a rapid reaction is needed in order to maintain confidence in the Schengen system.*

**Amendment 79**  
**Carlos Coelho**

**Proposal for a regulation**  
**Article 13 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

The Member State concerned shall report to the Commission on implementation of the action plan within six months of receipt of the report and shall thereafter continue to report every three months until the action plan is fully implemented. Depending on the severity of the weaknesses identified and the measures taken to remedy them, the Commission may **schedule** announced visits in accordance with the procedure referred to

*Amendment*

The Member State concerned shall report to the Commission on implementation of the action plan within six months of receipt of the report and shall thereafter continue to report every three months until the action plan is fully implemented. Depending on the severity of the weaknesses identified and the measures taken to remedy them, the Commission may **adopt implementing acts with a view to scheduling** announced visits **to verify**

in Article 15(2) *to verify implementation of the action plan*. The Commission may also schedule unannounced on-site visits.

*the implementation of the action plan. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15 (2). The Commission may also schedule unannounced on-site visits.*

Or. en

**Amendment 80**  
**Ioan Enciu**

**Proposal for a regulation**  
**Article 13 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

The Commission shall inform the committee established in accordance with Article 15, on a regular basis, about implementation of the action plan.

*Amendment*

The Commission shall inform the committee established in accordance with Article 15, on a regular basis, about implementation of the action plan. *The European Parliament may also request the Commission to report it on the stage reached in the implementation of the action plan.*

Or. ro

*Justification*

*The European Parliament must be able to ask the Commission for information on the progress made in the implementation of the action plans established by Member States in response to deficiencies in the application of the Schengen acquis.*

**Amendment 81**  
**Cornelia Ernst, Rui Tavares, Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 13 – paragraph 7**

*Text proposed by the Commission*

7. If an on-site visit *reveals a serious deficiency deemed to have a significant*

*Amendment*

7. If *the report of* an on-site visit *contains one or more findings that receive a*

*impact on the overall level of security of* one or more *Member States*, the Commission, on its own initiative or at the request of a Member State, shall inform the Council and the European Parliament as soon as possible.

*classification under point (c) of Article 13(3)*, the Commission, on its own initiative or at the request of a Member State, shall inform the Council and the European Parliament as soon as possible.

Or. en

**Amendment 82**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 13 – paragraph 7**

*Text proposed by the Commission*

7. If an on-site visit reveals a serious deficiency deemed to have a significant impact on the overall level of security of one or more Member States, the Commission, *on its own initiative or at the request of a Member State*, shall inform the Council and the European Parliament as soon as possible.

*Amendment*

7. If an on-site visit reveals a serious deficiency deemed to have a significant impact on the overall level of security of one or more Member States, the Commission shall inform the Council and the European Parliament as soon as possible *and keep them regularly informed during the six month support period in accordance with Article 13a and after taking any final decision on follow-up and possible sanctions in accordance with Article 13b.*

Or. en

**Amendment 83**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 13 – paragraph 7**

*Text proposed by the Commission*

7. If an on-site visit reveals a serious deficiency deemed to have a significant impact on the overall level of security of one or more Member States, the

*Amendment*

7. If an on-site visit reveals a serious deficiency deemed to have a significant impact on the overall level of security of one or more Member States, the



Commission, on its own initiative *or* at the request of a Member State, shall inform the Council and the European Parliament as soon as possible.

Commission, on its own initiative, at the request of *the European Parliament or of* a Member State, shall inform the Council and the European Parliament as soon as possible.

Or. en

**Amendment 84**  
**Carlos Coelho**

**Proposal for a regulation**  
**Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13b**

***Follow-up procedure***

***Six months after the detection of a serious deficiency within the meaning of Article 13(7) the Commission shall schedule an on-site visit. If the on-site visit reveals that the serious deficiency persists, despite the support granted to the Member State under Article 13a, the Council, following a proposal from the Commission and after consulting the European Parliament, shall adopt a decision on sanctions. The Council shall act by qualified majority.***

Or. en

**Amendment 85**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13b**

***Decision on the reintroduction of border***

*controls*

*The decision on the reintroduction of the internal border controls shall be taken by the Council acting by qualified majority at the Commission's proposal.*

Or. en

**Amendment 86**  
**Stavros Lambrinidis**

**Proposal for a regulation**  
**Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 13b*

*Follow-up and sanctions*

*Six months after the detection of a serious deficiency, the Commission shall schedule an on-site visit. If the on-site visit reveals that the serious deficiency has not been remedied, the Commission shall present a proposal to the committee established under Article 15 on the follow-up and possible sanctions. The decision on the follow-up and possible sanctions shall be taken in accordance with the examination procedure referred to in Article 15(2). In case of a continuous failure to comply with the Schengen rules on the part of a Member State, exhaustion of all possible actions and support to remedy the situation must be pursued before deliberation of more severe sanctions. Pursuant to Articles 78(3) and 80 of the Treaty on the Functioning of the European Union, a reintroduction of border controls shall not be permitted against a Member State that is either confronted by an emergency situation characterised by a sudden inflow of nationals of third countries or faces a critical situation with regard to fully implementing its Schengen obligations*

*due, in whole or in part, to the high number of third country nationals reaching its borders.*

Or. en

**Amendment 87**  
**Carlos Coelho**

**Proposal for a regulation**  
**Article 13 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 13c*

*Temporary reintroduction of border control*

*1. The sanctions may comprise a decision concerning a temporary reintroduction of border control at the internal borders by the other Member States of the Schengen area. This decision may provide for a partial or a complete reintroduction of border control at the internal borders of the Member State concerned.*

*2. A decision concerning a temporary reintroduction of border control at the internal border shall comply with the following conditions:*

- serious deficiency in the implementation of the Schengen acquis deemed to have a significant impact on the overall level of security of one or more Member States*
- exceptional circumstances requiring a temporary reintroduction of border control*

*3. A decision as referred to in paragraph 2 shall contain the following elements:*

- a time limit of a maximum of 6 months*
- a support mechanism to be granted to the Member State concerned in order to remedy the deficiency*

– a date for a further on-site visit.

Or. en

**Amendment 88**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 13 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 13 c*

*Compensatory measures*

*Upon the introduction of border controls, the Commission shall set up financial compensatory measures in order to support the Member States concerned.*

Or. en

**Amendment 89**  
**Cornelia Ernst, Marie-Christine Vergiat, Rui Tavares**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The teams shall regard as confidential any information they acquire in the course of performing their duties. The reports drawn up following on-site visits shall be classified as restricted. The Commission, after consulting the Member State concerned, shall decide which part of the report can be made public.

The teams shall regard as confidential any information they acquire in the course of performing their duties. The reports drawn up following on-site visits shall be classified as restricted. ***This classification does not preclude the report from being made available to the European Parliament.*** The Commission, after consulting the Member State concerned, shall decide which part of the report can be made public.

Or. en

**Amendment 90**  
**Ioan Enciu**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

The teams shall regard as confidential any information they acquire in the course of performing their duties. The reports drawn up following on-site visits shall be classified as restricted. The Commission, after consulting the Member State concerned, shall decide which part of the report can be made public.

*Amendment*

The teams shall regard as confidential any information they acquire in the course of performing their duties. The reports drawn up following on-site visits shall be classified as restricted. The Commission, after consulting the Member State concerned, shall decide which part of the report can be made public. ***The European Parliament shall be able, at its substantiated request, to access all the reports drawn up by the evaluation teams.***

Or. ro

*Justification*

*In line with its role as co-legislator in the area of freedom, security and justice, the European Parliament must be able, at its substantiated request, to access all the evaluation reports.*

**Amendment 91**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. The first risk analysis to be provided by Frontex in accordance with Article 6 shall be provided to the Commission not later than three months after this Regulation enters into force.

*Amendment*

2. The first risk analysis to be provided by Frontex ***and Europol*** in accordance with Article 6 shall be provided to the Commission not later than three months after this Regulation enters into force.

Or. en

**Amendment 92**

**Ioan Enciu**

**Proposal for a regulation**

**Article 18 – paragraph 1 – introductory part**

*Text proposed by the Commission*

The Commission shall present a yearly report to the European Parliament and the Council on the evaluations carried out pursuant to this Regulation. The report shall be made public and shall include information on:

*Amendment*

The Commission shall present a ***comprehensive*** yearly report to the European Parliament and the Council on the evaluations carried out pursuant to this Regulation. The report shall be made public and shall include information on:

Or. ro

**Amendment 93**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 21 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall enter into force on ***the twentieth day following its publication in the Official Journal of the European Union.***

*Amendment*

This Regulation shall enter into force on 1st ***January 2014, once the current five-year-evaluation programme comes to an end.***

Or. en