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AMENDMENTS 1 - 26

Artis Pabriks

European Border and Coast Guard

Proposal for a regulation COM(2015)0671 - C8-0408/2015 – 2015/0310(COD)

Amendments created with



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Amendment 1

Ana Gomes

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union.

Amendment

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union.

At the same time, it is understood that these measures need to be integrated on wider strategies, namely to address the root causes of the migration crisis and to establish a functional EU asylum system.

Or. en

Amendment 2

Ana Gomes

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) European integrated border management, based on the four-tier access model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external border itself as well as risk analysis, and measures within the area of free movement, ***including return.***

Amendment

(3) European integrated border management, based on the four-tier access model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external border itself as well as risk analysis, and measures within the area of free movement.

Justification

Unnecessary and excessive focus on returns.

Amendment 3
Ana Gomes

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) To ensure the effective implementation of the European integrated border management, a European Border and Coast Guard should be established. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, relies upon the common use of information, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.

Amendment

(4) To ensure the effective implementation of the European integrated border management, a European Border and Coast Guard should be established. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including ***national navies and*** coast guards to the extent that they carry out border control tasks ***and maritime security***, relies upon the ***share and*** common use of information, ***intelligence***, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

As stated in the EP INI Maritime dimension of the Common Security and Defence Policy (2012/2318(INI)), it is crucial to make use of national navies expertise and experience in this field.

Amendment 4
Ana Gomes

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

Amendment

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions. ***These tasks should be carried out with respect for the mandates and powers of the other relevant EU agencies, namely EASO and Europol.***

Or. en

Amendment 5
Ana Gomes

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The European Border and Coast Guard Agency relies on the cooperation of Member States to be able to perform its tasks effectively. In this respect, it is important for the Agency and the Member States to act in good faith and to have a timely and accurate exchange of information.

Amendment

(10) The European Border and Coast Guard Agency relies on the cooperation of Member States to be able to perform its tasks effectively ***and shall promote and facilitate that cooperation.*** In this respect, it is important for the Agency and the Member States to act in good faith and to have a timely and accurate exchange of

information.

Or. en

Amendment 6

Ana Gomes

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings **and terrorism**, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

Amendment

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings, **terrorism and other security threats**, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

Or. en

Amendment 7

Ana Gomes

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The European Border and Coast

Amendment

(13) **As a preventive measure**, The

Guard Agency should **carry out a vulnerability assessment to assess** the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

European Border and Coast Guard Agency should **monitor** the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. **A vulnerability assessment is to be carried out on an annual basis, based on objective criteria and on information provided by the Member State and by the liaison officer. On its own initiative or under request of the European Parliament, the Agency can carry out an emergency update at any time.** Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Or. en

Justification

It is necessary to establish how often the assessment should be carried. Moreover, given the fast changing nature of the subject, it is important to introduce a flexibility mechanism.

Amendment 8 **Ana Gomes**

Proposal for a regulation **Recital 25**

Text proposed by the Commission

(25) Effective implementation of an

Amendment

(25) Effective implementation of an

integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency **should** develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

integrated management of the external borders necessitates regular, swift and reliable exchange of information **and intelligence** among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency **must** develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Or. en

Amendment 9

Ana Gomes

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) 'European Border and Coast Guard Teams' mean teams of border guards and other relevant staff from participating Member States, including national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

Amendment

(3) 'European Border and Coast Guard Teams' mean teams of border guards and other relevant staff from participating Member States, including **navy officials and other** national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 10

Ana Gomes

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'members of the European Border and Coast Guard Teams' mean the officers of border guard services or other relevant staff of Member States other than the host Member State, including national experts and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

Amendment

(7) 'members of the European Border and Coast Guard Teams' mean the officers of border guard services or other relevant staff of Member States other than the host Member State, including national experts, **navy officials** and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 11

Ana Gomes

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, including measures related to the prevention, detection and investigation of cross-border crime, where appropriate;

Amendment

(a) border control, including measures related to the prevention, detection and investigation of cross-border crime, where appropriate **and in articulation with Europol**;

Or. en

Amendment 12

Ana Gomes

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national

Amendment

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national

authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

authorities responsible for border management, including coast guards to the extent that they carry out border control tasks **and national navies. Nonetheless, Member States retain the primary responsibility for the management of their section of the external borders.**

Or. en

Amendment 13
Ana Gomes

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall **be responsible for** the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Amendment

3. The European Border and Coast Guard Agency shall **assist** the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Or. en

Amendment 15
Ana Gomes

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

Text proposed by the Commission

(g) deploy European Border and Coast Guard Teams and technical equipment to provide assistance in screening, identification and fingerprinting **in the framework of the migration management**

Amendment

(g) deploy European Border and Coast Guard Teams and technical equipment to provide assistance **to EASO upon request, namely** in screening, identification and fingerprinting at hotspot areas;

support teams at hotspot areas;

Or. en

Amendment 16

Ana Gomes

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The Agency may engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraph 1 and shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Amendment

3. The Agency may engage in communication activities on its own initiative in the fields within its mandate, ***namely with the aim of increasing transparency and public accountability of its activities***. Communication activities shall not be detrimental to the tasks referred to in paragraph 1 and shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Or. en

Amendment 17

Ana Gomes

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The Agency shall prepare general and tailored risk analyses and submit it to the Council and the Commission.

Amendment

2. The Agency shall prepare general and tailored risk analyses and submit it to the ***European Parliament, the*** Council and the Commission.

Or. en

Amendment 18

Ana Gomes

Proposal for a regulation

Article 11 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(f a) regularly participate in direct observation missions to relevant locations at the border;

Or. en

Amendment 19
Ana Gomes

Proposal for a regulation
Article 11 – paragraph 3 – point f b (new)

Text proposed by the Commission

Amendment

(f b) develop relationships and platforms for dialogue with civil society representatives and organisations.

Or. en

Amendment 20
Ana Gomes

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The Agency shall assess the technical equipment, systems, capabilities, resources and contingency plans of the Member States regarding border control. That assessment shall be based on information provided by the Member State and by the liaison officer, on information derived from Eurosur, in particular the impact levels attributed to the external land and sea border sections of each Member State in accordance with Regulation (EU) No 1052/2013, and on the reports and evaluations of joint operations, pilot projects, rapid border interventions and other activities of the Agency.

1. The Agency shall assess the technical equipment, systems, capabilities, resources and contingency plans of the Member States regarding border control ***on an annual basis. On its own initiative or under request of the European Parliament, the Agency can carry out an emergency update at any time.*** That assessment shall be based on information provided by the Member State and by the liaison officer, on information derived from Eurosur, in particular the impact levels attributed to the external land and sea border sections of each Member State in accordance with Regulation (EU) No 1052/2013, and on the reports and

evaluations of joint operations, pilot projects, rapid border interventions and other activities of the Agency, ***as well as contributes provided by civil society organisations.***

Or. en

Amendment 21

Ana Gomes

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. Where a Member State does not adopt the necessary corrective measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision, further action may be taken by the Commission in accordance with Article 18.

Amendment

6. Where a Member State does not adopt the necessary corrective measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision, further action may be taken by the Commission in accordance with Article 18. ***The Member State shall be called to participate and offer its position at all stages of the process.***

Or. en

Amendment 23

Ana Gomes

Proposal for a regulation

Article 67 – paragraph 2

Text proposed by the Commission

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks, in

Amendment

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks ***at***

particular on the implementation and monitoring of the Fundamental Rights Strategy, the consolidated annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming.

any time and in particular on the implementation and monitoring of the Fundamental Rights Strategy, the consolidated annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming.

Or. en

Amendment 24
Ana Gomes

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Power to dismiss the Executive Director shall lie with the Management Board, acting on a proposal from the Commission, according to the same procedure.

deleted

Or. en

Amendment 25
Ana Gomes

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Before appointment, the candidate selected by the Management Board shall be invited to pass a hearing before the European Parliament. The European Parliament shall adopt an opinion setting out its view on the selected candidate.

The Management Board shall inform the European Parliament of the manner in which this opinion has been taken into account. The opinion shall be treated as personal and confidential until the appointment of the candidate.

Amendment 26

Ana Gomes

Proposal for a regulation

Article 68 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

***Power to dismiss the Executive Director
shall lie with the Management Board,
acting on a proposal from the
Commission and based on an opinion
from the Parliament.***

Or. en