



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2011/0427(COD)

27.9.2012

AMENDMENTS

48 - 281

Draft report
Jan Mulder
(PE491.337v02-00)

on the proposal for a regulation of the European Parliament and of the Council
establishing the European Border Surveillance System (EUROSUR)

Proposal for a regulation
(COM(2011)0873 – C7-0506/2011 – 2011/0427(COD))

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PE496.412v01-00

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United in diversity

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Amendment 48
Franziska Keller

Draft legislative resolution
Citation 4 a (new)

Draft legislative resolution

Amendment

**- having regard to the Geneva Convention
of 1951 and the protocols thereof,**

Or. en

Amendment 49
Cornelia Ernst

Draft legislative resolution
Paragraph 1

Draft legislative resolution

Amendment

**1. Adopts its position at first reading
hereinafter set out;**

1. Rejects the Commission proposal;

Or. en

Amendment 50
Véronique Mathieu

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) The establishment of a European Border Surveillance System (hereinafter referred to as 'EUROSUR') is necessary in order to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the

(1) The establishment of a European Border Surveillance System (hereinafter referred to as 'EUROSUR') is necessary in order to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the

Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004 (Frontex), hereinafter referred to as ‘the Agency’. EUROSUR should provide these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability when detecting and preventing irregular migration and cross-border crime **as well as** protecting and saving lives of migrants at the external borders of the Member States of the Union.

Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004 (Frontex), hereinafter referred to as ‘the Agency’. EUROSUR should provide these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability when detecting and preventing irregular migration and cross-border crime, **thus helping to make improvements in** protecting and saving lives of migrants at the external borders of the Member States of the Union.

Or. fr

Amendment 51
Renate Weber

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The establishment of a European Border Surveillance System (hereinafter referred to as ‘EUROSUR’) is necessary in order to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004 (Frontex), hereinafter referred to as ‘the Agency’. EUROSUR should provide these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability **when detecting and preventing** irregular migration and cross-border crime **as well as protecting and saving** lives of **migrants** at the external borders of the

Amendment

(1) The establishment of a European Border Surveillance System (hereinafter referred to as ‘EUROSUR’) is necessary in order to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004 (Frontex), hereinafter referred to as ‘the Agency’. EUROSUR should provide these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability **towards situations which might turn out to be** irregular migration and cross-border crime **with an aim to protect and save** lives of **people in distress** at the

Member States of the Union.

external borders of the Member States of the Union.

Or. en

Amendment 52
Cornelia Ernst

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The establishment of a European Border Surveillance System (hereinafter referred to as 'EUROSUR') **is necessary in order** to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004⁶ (Frontex), hereinafter referred to as 'the Agency'. EUROSUR should provide these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability when detecting and preventing **irregular migration and** cross-border crime as well as protecting and saving lives of migrants at the external borders of the Member States of the Union.

Amendment

(1) The establishment of a European Border Surveillance System (hereinafter referred to as 'EUROSUR') **serves** to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004 (Frontex), hereinafter referred to as 'the Agency'. EUROSUR should provide these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability when detecting and preventing cross-border crime as well as protecting and saving lives of migrants at the external borders of the Member States of the Union.

Or. en

Amendment 53
Franziska Keller

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The practice of travelling in small and unseaworthy vessels has dramatically increased the number of migrants and refugees drowning at the southern maritime external borders. EUROSUR should considerably improve the operational and technical ability of the Agency and Member States to detect these small vessels and to improve the reaction capability of the Agency and the Member States for saving the lives of migrants and refugees, leading to a considerable reduction of the loss of migrants and refugees at sea.

Or. en

**Amendment 54
Stanimir Ilchev**

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

Text proposed by the Commission

Amendment

(1 a) The practice of travelling in small-sized and unseaworthy vessels has dramatically increased the number of migrants drowning at the southern maritime external borders. EUROSUR should considerably improve the operational and technical ability of the Agency and Member States to detect and track these small vessels, leading in the mid-term to a considerable reduction of the loss of migrants and refugees at sea.

Or. en

**Amendment 55
Cornelia Ernst**

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The practice of travelling in small and unseaworthy vessels has dramatically increased the number of migrants drowning at the southern maritime external borders. EUROSUR should considerably improve the operational and technical ability of the Agency and Member States to detect and track these small vessels, in order to save the lives of migrants.

Or. en

Amendment 56
Renate Weber

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Migration and the crossing of external borders by third-country nationals should not per se be considered to be a threat to public policy or internal security. A border surveillance system should not be built on the assumption that irregular migration is a pattern among third-country nationals.

Or. en

Amendment 57
Cornelia Ernst

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) A mechanism should be established for a quick and effective determining of the Member State responsible for rendering assistance and rescuing persons in distress who are aboard of vessels that have been detected.

Or. en

Amendment 58

Marco Scurria, Roberta Angelilli, Simon Busuttil

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The aims of this regulation take on increasing importance in view of the frequency of attempts to illegally cross the EU's external borders and given that the criminal networks involved in the facilitation of illegal migration are often also involved in trafficking in human beings, drugs and nuclear material and in supporting terrorist groups.

Or. it

Amendment 59

Marco Scurria, Roberta Angelilli

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) EUROSUR will enable the Member States' border control authorities and Frontex to share information more effectively and to use existing interception

equipment in a more targeted, timely and cost-efficient manner. It should therefore be regarded as a practical tool for the implementation of the Common Security and Defence Policy at a time when the EU is the key target of international organised crime.

Or. it

Amendment 60
Cornelia Ernst

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) This Regulation should not hinder Member States from making their national coordination centres also responsible for coordinating the information exchange and cooperation with regard to the surveillance of air borders and for checks at border crossing points.

deleted

Or. en

Amendment 61
Renate Weber

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, notably human dignity, prohibition of torture and inhuman or degrading treatment or punishment, right to liberty

(6) This Regulation respects the fundamental rights and observes the principles recognised by *Articles 2 and 6 of the Treaty on European Union*, the Charter of Fundamental Rights of the European Union, notably human dignity, prohibition of torture and inhuman or

and security, right to the protection of personal data, non-refoulement, non-discrimination and rights of the child. This Regulation should be applied by Member States in accordance with these rights and principles.

degrading treatment or punishment, right to liberty and security, right to the protection of personal data, non-refoulement, non-discrimination and rights of the child. This Regulation should be applied by Member States in accordance with these rights and principles.

Or. en

Amendment 62
Jan Mulder

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

(6) 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 inhuman or degrading treatment or punishment, right to liberty and security, right to the protection of personal data, non-refoulement, non-discrimination and rights of the child. This Regulation should be applied by Member States in accordance with these rights and principles.

Or. en

Amendment 63
Franziska Keller

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

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

principles recognised by the Charter of Fundamental Rights of the European Union, notably human dignity, prohibition of torture and inhuman or degrading treatment or punishment, ***prohibition of trafficking in human beings***, right to liberty and security, right to the protection of personal data, non-refoulement, non-discrimination and rights of the child. This Regulation should be applied by Member States in accordance with these rights and principles.

Or. en

Amendment 64
Sylvie Guillaume, Ioan Enciu

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 65
Anna Maria Corazza Bildt, Marco Scurria, Monika Hohlmeier, Carlos Coelho, Mariya Gabriel

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 66
Franziska Keller

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) This Regulation recognises the nature of the mixed flows of migrants and refugees approaching and crossing the Union external borders and takes into account that refugees in need of international protection are often taking the same routes and vessels as migrants; it fully respects the obligations of the Union and the Member States on the protection of refugees under European and international law.

Or. en

Amendment 67
Jan Mulder

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Any exchange of personal data using the communication network for EUROSUR should be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ***and, in the framework of police and judicial cooperation, the Council Framework Decision 2008/977/JHA 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters*** are applicable in cases in which more specific instruments, such as Regulation (EC) No 2007/2004, do not provide a full data protection regime.

Amendment

(7) Any exchange of personal data using the communication network for EUROSUR should be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data are applicable in cases in which more specific instruments, such as Regulation (EC) No 2007/2004, do not provide a full data protection regime.

Or. en

Amendment 68
Cornelia Ernst

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Any exchange of personal data using the communication network for EUROSUR should be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data and, in the framework of police and judicial cooperation, the Council Framework Decision 2008/977/JHA 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters are applicable in cases in which more specific instruments, such as Regulation (EC) No 2007/2004, **do not** provide a full data protection regime.

Amendment

(7) Any exchange of personal data using the communication network for EUROSUR should, **in general, not entail any personal data. Only insofar as the purpose of this Regulation can not be achieved otherwise, and based on the principles of data minimisation and purpose limitation, the collection, storage and processing of personal data should be allowed. It should** be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data and, in the framework of police and judicial cooperation, the Council Framework Decision 2008/977/JHA 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters are applicable. In cases in which more specific instruments, such as Regulation (EC) No 2007/2004, provide a full data protection regime, **those should apply.**

Or. en

Amendment 69
Franziska Keller

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Any exchange of personal data using the communication network for EUROSUR should be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ***and, in the framework of police and judicial cooperation, the Council Framework Decision 2008/977/JHA 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters*** are applicable in cases in which more specific instruments, such as Regulation (EC) No 2007/2004, do not provide a full data protection regime.

Amendment

(7) Any exchange of personal data using the communication network for EUROSUR should ***remain an exception. It should*** be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data are applicable in cases in which more specific instruments, such as Regulation (EC) No 2007/2004, do not provide a full data protection regime.

Or. en

Amendment 70
Franziska Keller

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) Since EUROSUR, under the responsibility of the Agency, is envisaged to contribute to a cross-sectoral information exchange with several other Union agencies and entities as well as

international organisations in the framework of CISE, specific safeguards are necessary for the exchange of data with those agencies.

Or. en

Amendment 71

Ioan Enciu

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) In order to implement a gradual geographical roll-out of EUROSUR, the obligation to designate and operate national coordination centres should apply in three successive stages, first to the Member States located at the southern sea external borders and at the eastern land external borders, at a second stage to the remaining Member States with land or sea external borders and at a third stage to the remaining Member States.

deleted

Or. en

Justification

The national coordination centres should be functional in all Member States at the same time.

Amendment 72

Cornelia Ernst

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) In order to implement a gradual geographical roll-out of EUROSUR, the obligation to designate and operate

deleted

national coordination centres should apply in three successive stages, first to the Member States located at the southern sea external borders and at the eastern land external borders, at a second stage to the remaining Member States with land or sea external borders and at a third stage to the remaining Member States.

Or. en

Justification

The Union's policy on migration and asylum should be based on solidarity between Member States. Considering the costs that come with the implementation of EUROSUR and the distribution of wealth in Europe, this recital fails to meet this aim.

Amendment 73
Cornelia Ernst

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) A fair and transparent mechanism needs to be established in order to identify third-country nationals in need of international protection among intercepted migrants.

Or. en

Amendment 74
Cornelia Ernst

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9 b) Clear, transparent and fair rules need to be fixed to provide for a treatment of intercepted third-country nationals that

respects and fulfils the obligations of the Union and the Member States towards them under international and European human rights law.

Or. en

Amendment 75
Cornelia Ernst

Proposal for a regulation
Recital 9 c (new)

Text proposed by the Commission

Amendment

(9 c) Since this Regulation considerably extends the remit of the Agency as it is defined in Regulation (EC) No 2007/2004, it should be ensured that the activities of the Agency related to EUROSUR match the general framework of its mandate.

Or. en

Amendment 76
Franziska Keller

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) Implementation of this Regulation should not affect the application of the Schengen Borders Code nor the Common European Asylum System.

Or. en

Amendment 77
Véronique Mathieu

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR).

Amendment

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR), ***which will thus help make improvements in protecting and saving lives of migrants at the external borders of the Member States of the Union.***

Or. fr

Amendment 78
Franziska Keller

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR).

Amendment

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability ***to protect the lives of migrants and refugees and to prevent irregular migration and cross-border crime*** at the external borders of the Member States and of the European Union, ***while ensuring effective access to international protection***, hereinafter referred to as the European Border Surveillance System (EUROSUR).

Or. en

Amendment 79
Cornelia Ernst

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR).

Amendment

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability ***to protect the lives of migrants, to prevent cross-border crime*** at the external borders of the Member States and of the European Union, ***and to ensure effective access to international protection***, hereinafter referred to as the European Border Surveillance System (EUROSUR).

Or. en

Amendment 80
Renate Weber

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR).

Amendment

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability ***towards situations which might turn out to be irregular migration and cross-border crime with an aim to protect and save lives of people in distress*** at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance

System (EUROSUR).

Or. en

Amendment 81
Renate Weber

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings.

Amendment

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for ***protecting and saving lives of people in distress at the external borders of the Member States*** for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings.

Or. en

Amendment 82
Franziska Keller

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings.

Amendment

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings ***and for the purpose of protecting and saving lives of migrants and refugees at the external borders.***

Or. en

Amendment 83
Jan Mulder

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings.

Amendment

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings ***and rescuing and protecting the lives of migrants at risk.***

Or. en

Amendment 84
Ioan Enciu

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings.

Amendment

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings ***and cross-border crime.***

Or. en

Amendment 85
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking, prevention **and interception of illegal border crossings**.

Amendment

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including measures for monitoring, detection, identification, tracking **and prevention of cross-border crime**.

Or. en

Amendment 86
Monika Hohlmeier, Hubert Pirker

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

Text proposed by the Commission

Amendment

1 a. This Regulation may also apply to surveillance of air borders as well as to checks at border crossing points if Member States voluntarily provide such information to EUROSUR.

Or. en

Amendment 87
Franziska Keller

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

Text proposed by the Commission

Amendment

1 a. This Regulation shall be without prejudice to the Schengen Borders Code.

Or. en

Amendment 88
Cornelia Ernst

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

Text proposed by the Commission

Amendment

1 a. This Regulation shall be without prejudice to Union legislation as regards human rights, access to international protection, human trafficking, especially identification of victims thereof, and return.

Or. en

Amendment 89
Franziska Keller

Proposal for a regulation
Article 2 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. This Regulation shall be without prejudice to Union legislation as regards asylum and return, human rights, access to international protection as well as human trafficking, especially identification of victims thereof.

Or. en

Amendment 90
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation shall not apply to ***operational***, procedural and legal measures taken after interception.

2. This Regulation shall not apply to procedural and legal measures taken after interception ***except for the purposes of Articles 15a and 15b.***

Amendment 91
Renate Weber

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

3. Member States and the Agency shall comply with fundamental rights, including data protection requirements, when applying this Regulation. They shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

Amendment

3. Member States and the Agency shall comply with **human dignity and fundamental rights principles**, including data protection requirements, when applying this Regulation. They shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

Amendment 92
Anna Maria Corazza Bildt, Marco Scurria, Monika Hohlmeier, Carlos Coelho, Mariya Gabriel

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

3. Member States and the Agency shall comply with fundamental rights, including data protection requirements, when applying this Regulation. They shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

Amendment

3. Member States and the Agency shall comply with fundamental rights, including data protection requirements, when applying this Regulation. They shall give priority to 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, persons in distress at sea and other persons in a particularly vulnerable situation.

Amendment 93
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

3. Member States and the Agency shall comply with fundamental rights, including data protection requirements, when applying this Regulation. They shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a **particularly** vulnerable situation.

Amendment

3. Member States and the Agency shall comply with fundamental rights, including data protection requirements, when applying this Regulation. They shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a vulnerable situation.

Or. en

Amendment 94
Cornelia Ernst

Proposal for a regulation
Article 3 – point a

Text proposed by the Commission

(a) ‘situational awareness’ means the ability to monitor, detect, identify, track and understand cross-border activities **in order to find reasoned grounds for control measures** on the basis of combining new information with existing knowledge;

Amendment

(a) ‘situational awareness’ means the ability to monitor, detect, identify, track and understand **criminal** cross-border activities on the basis of combining new information with existing knowledge;

Or. en

Justification

The original definition is much too broad, putting all cross-border activities under general suspicion and is thereby contrary to the EU's interests.

Amendment 95
Stanimir Ilchev

Proposal for a regulation
Article 3 – point a

Text proposed by the Commission

(a) ‘situational awareness’ means the ability to monitor, detect, identify, track and understand cross-border activities in order to find reasoned grounds for control measures on the basis of combining new information *with* existing knowledge;

Amendment

(a) ‘situational awareness’ means the ability to monitor, detect, identify, track and understand cross-border activities in order to find reasoned grounds for control measures on the basis of combining new information, *analysis and* existing knowledge;

Or. en

Amendment 96
Sylvie Guillaume, Ioan Enciu

Proposal for a regulation
Article 3 – point a

Text proposed by the Commission

a) 'situational awareness' means the ability to monitor, detect, identify, track and understand cross-border activities in order to find reasoned grounds for control measures on the basis of combining new information with existing knowledge;

Amendment

a) 'situational awareness' means the ability to monitor, detect, identify, track and understand cross-border activities in order to find reasoned grounds for control measures on the basis of combining new information with existing knowledge, *and to be better able to prevent loss of life at sea*;

Or. fr

Amendment 97
Franziska Keller

Proposal for a regulation
Article 3 – point b

Text proposed by the Commission

(b) ‘reaction capability’ means the ability to perform actions aimed at countering illegal cross-border movements, including the means and timelines to react adequately to unusual circumstances;

Amendment

(b) ‘reaction capability’ means the ability to perform actions aimed at ***saving the lives of migrants and refugees at sea*** and countering illegal cross-border movements, including the means and timelines to react adequately to unusual circumstances ***and emergency situations***;

Or. en

Amendment 98
Roberta Angelilli, Marco Scurria

Proposal for a regulation
Article 3 – point b

Text proposed by the Commission

(b) ‘reaction capability’ means the ability to perform actions aimed at countering illegal ***cross-border*** movements, including the means and timelines to react adequately to unusual circumstances;

Amendment

(b) ‘reaction capability’ means the ability to perform actions aimed at countering illegal ***cross-border*** movements ***and prevent or minimise the loss of migrants at sea***, including the means and timelines to react adequately to unusual circumstances;

Or. en

Justification

This amendment aims to clarify the use of capabilities.

Amendment 99
Jan Mulder

Proposal for a regulation
Article 3 – point b

Text proposed by the Commission

(b) ‘reaction capability’ means the ability

Amendment

(b) ‘reaction capability’ means the ability

to perform actions aimed at countering illegal cross-border movements, including the means and timelines to react adequately to unusual circumstances;

to perform actions aimed at countering illegal cross-border movements, *or rescuing and protecting the lives of migrants at risk*, including the means and timelines to react adequately to unusual circumstances;

Or. en

Amendment 100

Sylvie Guillaume, Ioan Enciu

Proposal for a regulation

Article 3 – point b

Text proposed by the Commission

b) 'reaction capability' means the ability to perform actions aimed at countering illegal cross-border movements, including the means and timelines to react adequately to unusual circumstances;

Amendment

b) 'reaction capability' means the ability to perform actions aimed at countering illegal cross-border movements *and saving lives at sea*, including the means and timelines to react adequately to unusual circumstances;

Or. fr

Amendment 101

Cornelia Ernst

Proposal for a regulation

Article 3 – point c

Text proposed by the Commission

(c) 'situational picture' means a graphical interface to present real-time data, information and intelligence received from different authorities, sensors, platforms and other sources, which is shared across communication and information channels with other authorities in order to achieve situational awareness and support the reaction capability along the external borders and the pre-frontier area;

Amendment

(c) 'situational picture' means a graphical interface to present *non-personal* real-time data, information and intelligence received from different authorities, sensors, platforms and other sources, which is shared across communication and information channels with other authorities in order to achieve situational awareness and support the reaction capability along the external borders and the pre-frontier

area;

Or. en

Amendment 102

Anna Maria Corazza Bildt, Marco Scurria, Monika Hohlmeier, Carlos Coelho, Mariya Gabriel

Proposal for a regulation Article 3 – point d

Text proposed by the Commission

(d) ‘cross-border crime’ means any serious or organised crime committed at the external borders of Member States, such as trafficking in human beings, smuggling of drugs and other illicit activities;

Amendment

(d) ‘cross-border crime’ means any serious or organised crime committed at the external borders of Member States *or at their proximity*, such as trafficking in human beings, smuggling of drugs and other illicit activities *that have a cross-border dimension*;

Or. en

Amendment 103

Cornelia Ernst

Proposal for a regulation Article 3 – point d

Text proposed by the Commission

(d) ‘cross-border crime’ means any serious or organised crime committed at the external borders of Member States, such as trafficking in human beings, smuggling of drugs *and other illicit activities*;

Amendment

(d) ‘cross-border crime’ means any serious or organised crime committed at the external borders of Member States, such as trafficking in human beings, smuggling of drugs;

Or. en

Justification

It is sensible to limit this definition to serious crime in order not to overload the system.

Amendment 104
Cornelia Ernst

Proposal for a regulation
Article 3 – point f

Text proposed by the Commission

(f) ‘pre-frontier area’ means the geographical area beyond the external border of Member States, which is not covered by a national border surveillance system.

Amendment

(f) ‘pre-frontier area’ means the geographical area beyond the external *sea* border of Member States, which is not covered by a national border surveillance system.

Or. en

Amendment 105
Hubert Pirker, Monika Hohlmeier

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

Text proposed by the Commission

Amendment

(fa) ‘Agency’ means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004 (Frontex).

Or. de

Amendment 106
Franziska Keller

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

Text proposed by the Commission

Amendment

(f a) ‘incident’ means an event relating to a potential risk for the lives of migrants,

particularly situations of emergency as defined in Chapter 5.2 of the International Convention on Maritime Search and Rescue, irregular border crossing or cross-border crime at or nearby the external borders of a Member State;

Or. en

Amendment 107
Cornelia Ernst

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

Text proposed by the Commission

Amendment

(f a) 'interception' means one of the measures employed by States with regard to persons who do not have the required documentation or valid permission to enter in order to:

(i) prevent embarkation of these persons on an international journey;

(ii) prevent further onward international travel by these persons who have commenced their journey; or

(iii) assert control of vessels where there are reasonable grounds to believe the vessel is transporting these persons contrary to international or national maritime law.

Or. en

Amendment 108
Roberta Angelilli, Marco Scurria

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

Text proposed by the Commission

Amendment

(f a) 'interception' means all measures taken by a Member State in order to prevent, interrupt or stop illegal actions like the movement of persons crossing external borders without the required documentation, drug smugglings, criminal trafficking and to prevent or minimise deaths of immigrants at sea.

Or. en

Justification

Since the Regulation does not apply after interception, a clear definition of this term must be provided in the Regulation.

Amendment 109
Franziska Keller

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

Text proposed by the Commission

Amendment

(f b) 'interception' means all measures taken by a Member State or the Agency in order to protect the lives and safety of migrants and refugees and to prevent, interrupt or stop cross-border crime or the movement of persons crossing external borders without the required documentation.

Or. en

Amendment 110
Cornelia Ernst

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

Text proposed by the Commission

Amendment

(f b) 'personal data' shall be within the meaning of Directive 95/46/EC.

Or. en

**Amendment 111
Cornelia Ernst**

**Proposal for a regulation
Article 3 – point f c (new)**

Text proposed by the Commission

Amendment

(f c) 'international protection' means international protection as defined in Article 2(h) of 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 granted¹.

¹ OJ L 337, 20.12.2011, p. 9.

Or. en

**Amendment 112
Franziska Keller**

**Proposal for a regulation
Article 4 – paragraph 1 – point f**

Text proposed by the Commission

Amendment

(f) common application of surveillance tools.

deleted

Justification

As the full costs of the Common application of the surveillance tools are very high, and the financing of it is unclear, both in the EU Budget 2013 as well as in the MFF 2014-2020, the author does not consider the proposal justified, and it should be deleted

Amendment 113
Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The national coordination centre shall:

3. The national coordination centre shall,
in accordance with national law:

Or. en

Amendment 114
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 5 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) ensure the timely information exchange and cooperation between all national authorities with a responsibility for external border surveillance and with relevant law enforcement authorities at national level as well as with other national coordination centres and the Agency;

(a) ensure the timely information exchange and cooperation between all national authorities with a responsibility for external border surveillance and with relevant law enforcement, ***asylum and immigration*** authorities at national level as well as with other national coordination centres and the Agency;

Or. de

Amendment 115
Franziska Keller

Proposal for a regulation
Article 5 – paragraph 3 – point a

Text proposed by the Commission

(a) ensure the timely information exchange and cooperation between all national authorities with a responsibility for external border surveillance and with relevant law enforcement authorities at national level as well as with other national coordination centres and the Agency;

Amendment

(a) ensure the timely information exchange and cooperation between all national authorities with a responsibility for external border surveillance and **rescue at sea**, with relevant law enforcement authorities at national level as well as with other national coordination centres and the Agency;

Or. en

Amendment 116
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 5 – paragraph 3 – point b

Text proposed by the Commission

(b) contribute to an effective and efficient management of resources and personnel;

Amendment

(b) contribute to an effective and efficient management of **the** resources and personnel **at its disposal**;

Or. it

Justification

The national coordination centre must manage its own resources and not those of all border surveillance institutions too.

Amendment 117
Renate Weber

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

Text proposed by the Commission

Amendment

(b a) ensure that its personnel and the personnel of other authorities with a responsibility for external border surveillance are properly trained for detecting and dealing with situations involving vulnerable persons, such as persons in need of international protection, unaccompanied minors and victims of trafficking;

Or. en

Amendment 118

Renate Weber

Proposal for a regulation

Article 5 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(b b) ensure compliance with human rights and the principle of non-refoulement within each activity carried out by the National Coordination Centre and the other authorities with a responsibility for external border surveillance;

Or. en

Amendment 119

Franziska Keller

Proposal for a regulation

Article 5 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) support the planning and implementation of all national border surveillance activities;

(d) support the planning and implementation of all national border surveillance activities, ***with a special focus***

on the protection and saving of lives of migrants and refugees;

Or. en

Amendment 120
Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) administer the national border surveillance system, where applicable in accordance with national law;

deleted

Or. en

Amendment 121
Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) measure regularly the effects of national border surveillance activities;

deleted

Or. en

Amendment 122
Franziska Keller

Proposal for a regulation
Article 5 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) measure regularly the effects of national border surveillance activities;

*(f) measure regularly the effects of national border surveillance activities, **including their effect on the protection and saving***

of lives at sea;

Or. en

Amendment 123
Renate Weber

Proposal for a regulation
Article 5 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) measure regularly the effects of national border surveillance activities;

(f) measure regularly the effects of national border surveillance activities ***and assess compliance with human rights and the principle of non-refoulement;***

Or. en

Amendment 124
Cornelia Ernst

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

Text proposed by the Commission

Amendment

3 a. While performing their tasks, staff of the National Coordination Centres shall comply with Union and international law and shall observe fundamental rights and the national law of the Member State.

Or. en

Justification

This corresponds to a similar provision in the Frontex Regulation.

Amendment 125
Cornelia Ernst

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

Text proposed by the Commission

Amendment

4 a. Each National Coordination Centre shall submit an annual report of its activities to its respective national Parliament.

Or. en

Amendment 126
Cornelia Ernst

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

The Agency

1. The Agency shall

(a) administer the communication network for EUROSUR in accordance with Article 7;

(b) establish and maintain the European situational picture in accordance with Article 10;

(c) establish and maintain the common pre-frontier intelligence picture in accordance with Article 11;

(d) facilitate the common application of surveillance tools in accordance with Article 12.

2. For the purposes of paragraph 1, the Agency shall operate twenty four hours a day and seven days a week.

Or. en

Justification

This should be dealt with in the Frontex Regulation.

Amendment 127

Franziska Keller

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Agency shall

1. *In accordance with Regulation (EC) No 2007/2004 and with the Agency's Fundamental Rights Strategy*, the Agency shall

Or. en

Amendment 128

Franziska Keller

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) facilitate the common application of surveillance tools in accordance with Article 12.

deleted

Or. en

Amendment 129

Renate Weber

Proposal for a regulation

Article 6 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) ensure compliance with human rights and the principle of non-

refoulement within each activity carried out in the framework of EUROSUR.

Or. en

Amendment 130
Franziska Keller

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

Text proposed by the Commission

Amendment

2 a. The Consultative Forum and the Fundamental Rights Officer shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency within the framework of EUROSUR, in accordance with Article 26a of Regulation (EC) No 2007/2004.

Or. en

Amendment 131
Cornelia Ernst

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

Text proposed by the Commission

Amendment

1. The Agency shall establish and maintain a communication network in order to provide communications and analytical tools and allow for the secure exchange of non-classified *sensitive* and classified information in near real time with and between the national coordination centres. The network shall be operational twenty four hours a day and seven days a week and allow for:

1. The Agency shall establish and maintain a communication network in order to provide communications and analytical tools and allow for the secure exchange of non-classified and classified information in near real time with and between the national coordination centres. The network shall be operational twenty four hours a day and seven days a week and allow for:

Or. en

Amendment 132
Cornelia Ernst

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

Text proposed by the Commission

(c) secure handling, storing, processing of non-classified *sensitive* information;

Amendment

(c) secure handling, storing, processing of non-classified information;

Or. en

Amendment 133
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The Agency and the national coordination centres shall exchange, process and store non-classified *sensitive* and classified information in the communication network in compliance with rules and standards which apply the basic principles and common standards of or are equivalent to the Commission Decision 2001/844/EC amending its internal Rules of Procedure.

Amendment

3. The Agency and the national coordination centres shall exchange, process and store non-classified and classified information in the communication network in compliance with rules and standards which apply the basic principles and common standards of or are equivalent to the Commission Decision 2001/844/EC amending its internal Rules of Procedure.

Or. en

Amendment 134
Cornelia Ernst

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

Text proposed by the Commission

(a) an events layer, containing information

Amendment

(a) an events layer, containing information

on incidents concerning *irregular migration*, cross-border crime and crisis situations;

on incidents concerning cross-border crime and crisis situations;

Or. en

Amendment 135
Franziska Keller

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

Text proposed by the Commission

(a) an events layer, containing information on incidents concerning irregular migration, cross-border crime and crisis situations;

Amendment

(a) an events layer, containing information on incidents *as defined in point (fa) of Article 3* concerning irregular migration, cross-border crime and crisis situations;

Or. en

Amendment 136
Franziska Keller

Proposal for a regulation
Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) an analysis layer, containing strategic information, analytical products, intelligence *as well as imagery* and geo-data.

Amendment

(c) an analysis layer, containing strategic information, analytical products, intelligence and geo-data.

Or. en

Amendment 137
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in border surveillance at national level with effective, accurate and timely information which is relevant for the ***prevention of irregular migration and*** cross-border crime at the external borders of the Member State concerned.

Amendment

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in border surveillance at national level with effective, accurate and timely information which is relevant for the ***protection of the lives of migrants and the prevention of*** cross-border crime at the external borders of the Member State concerned.

Or. en

Amendment 138
Renate Weber

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in border surveillance at national level with effective, accurate and timely information which is relevant for the prevention of irregular migration and cross-border crime at the external borders of the Member State concerned.

Amendment

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in border surveillance at national level with effective, accurate and timely information which is relevant for the prevention of ***the loss of lives and as well for saving and protecting lives of people in distress at the external borders of that Member State and for the prevention of*** irregular migration and cross-border crime at the external borders of the Member State concerned.

Or. en

Amendment 139
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in border surveillance at national level with effective, accurate and timely information which is relevant for the prevention of irregular migration and cross-border crime at the external borders of the Member State concerned.

Amendment

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in border surveillance at national level with effective, accurate and timely information which is relevant for the ***protection of migrants and refugees and*** prevention of irregular migration and cross-border crime at the external borders of the Member State concerned.

Or. en

Amendment 140
Marco Scurria

Proposal for a regulation
Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national situational picture ***shall*** be composed of information collected from the following sources:

Amendment

2. The national situational picture ***may*** be composed of information collected from the following sources:

Or. en

Amendment 141
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) national border surveillance system, where applicable in accordance with national law;

Amendment

(a) national border surveillance system, where ***existing and*** applicable in accordance with national law;

Amendment 142
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) stationary and mobile sensors operated by national authorities with a responsibility for external border surveillance; *deleted*

Justification

It is already covered by point (a)

Amendment 143
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) stationary **and mobile** sensors operated by national authorities with a responsibility for external border surveillance;

(b) stationary sensors operated by national authorities with a responsibility for external border surveillance;

Amendment 144
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) national coordination centres in other Member States ***and in third countries***;

(g) national coordination centres in other Member States;

Or. en

Amendment 145
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) regional networks with neighbouring third countries, such as the SEAHORSE Atlantic network, SEAHORSE Mediterranean network, the Baltic Sea Region Border Control Cooperation network CoastNet, the Black Sea Border Coordination and Information Centre and other regional networks set up at the external land borders;

deleted

Or. en

Amendment 146
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) other sources.

deleted

Or. en

Amendment 147
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 3 – point a

Text proposed by the Commission

(a) a sub-layer on ***irregular*** migration, which shall contain information on incidents ***concerning illegal border crossings of migrants*** occurring at or nearby the external borders of the Member State concerned, ***on facilitations of irregular border crossings and on any other relevant irregular migration incident***, such as a search and rescue mission for persons ***attempting to cross the border illegally***.

Amendment

(a) a sub-layer on migration, which shall contain information on incidents occurring at or nearby the external borders of the Member State concerned, such as a search and rescue mission for persons ***in distress***.

Or. en

Amendment 148
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 3 – point a

Text proposed by the Commission

(a) a sub-layer on irregular migration, which shall contain information on incidents concerning ***illegal*** border crossings of migrants occurring at or nearby the external borders of the Member State concerned, on facilitations of irregular border crossings ***and on any other relevant irregular migration incident, such as a search and rescue mission for persons attempting to cross the border illegally***.

Amendment

(a) a sub-layer on irregular migration, which shall contain information on incidents concerning ***irregular*** border crossings of migrants ***and refugees*** occurring at or nearby the external borders of the Member State concerned, on facilitations of irregular border crossings.

Or. en

Amendment 149
Renate Weber

Proposal for a regulation
Article 9 – paragraph 3 – point a

Text proposed by the Commission

(a) a sub-layer on irregular migration, which shall contain information on incidents concerning illegal border crossings of migrants occurring at or nearby the external borders of the Member State concerned, on facilitations of irregular border crossings and on any other relevant irregular migration incident, such as a search and rescue mission for persons attempting to cross the border illegally.

Amendment

(a) a sub-layer on irregular migration, which shall contain information on incidents concerning illegal border crossings of migrants occurring at or nearby the external borders of the Member State concerned, on facilitations of irregular border crossings and on any other relevant irregular migration incident, such as a search and rescue mission for persons ***whose life or personal integrity is at risk and who may or may not be*** attempting to cross the border illegally.

Or. en

Amendment 150
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a sub-layer on incidents threatening the lives of migrants and refugees, such as an alert as defined in Chapter 5 point 2 of the International Convention on Maritime Search and Rescue or a search and rescue mission for persons attempting to cross the border irregularly.

Or. en

Amendment 151
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) a sub-layer on cross-border crime, which shall contain information on incidents concerning trafficking in human beings, smuggling of drugs and other illicit goods, and on any other serious and organised or organised crime incident at or nearby the external borders of the Member State concerned;

deleted

Or. en

Amendment 152
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) a sub-layer on crisis situations, which shall contain information with regard to natural and man-made disasters, accidents and any other crisis situation occurring at or nearby the external borders of the Member State concerned, which may have a significant impact on the ***control*** of the external borders;

(c) a sub-layer on crisis situations, which shall contain information with regard to natural and man-made disasters, accidents, ***human and political crisis*** and any other crisis situation occurring at or nearby the external borders of the Member State concerned, which may have a significant impact on the ***fluxes of persons arriving at*** the external borders;

Or. en

Amendment 153
Renate Weber

Proposal for a regulation
Article 9 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) a sub-layer on crisis situations, which shall contain information with regard to

(c) a sub-layer on crisis situations, which shall contain information with regard to

natural and man-made disasters, accidents and any other crisis situation occurring at or nearby the external borders of the Member State concerned, which may have a significant impact on the control of the external borders;

natural and man-made disasters, accidents, ***other situations when people's lives or personal integrity are at risk*** and any other crisis situation occurring at or nearby the external borders of the Member State concerned, which may have a significant impact on the control of the external borders;

Or. en

Amendment 154
Renate Weber

Proposal for a regulation
Article 9 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) a sub-layer on other events, which shall contain information on unidentified and suspect platforms and persons present at or nearby the external borders of the Member State concerned, as well as any other event which may have a significant impact on the control of the external borders;

deleted

Or. en

Amendment 155
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) a sub-layer on other events, which shall contain information on unidentified and suspect platforms and persons present at or nearby the external borders of the Member State concerned, as well as any other event which may have a significant

deleted

impact on the control of the external borders;

Or. en

Amendment 156
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. *Each incident in the events layer of the national situational picture shall be assigned with a single indicative impact level, ranging from ‘low’ and ‘medium’ to ‘high’ impact.* All events *assigned with a ‘medium’ to ‘high’ impact level* shall be shared with the Agency.

4. All events shall be shared with the Agency.

Or. en

Justification

The indicative levels are not based on any objective criteria and should be dropped.

Amendment 157
Jan Mulder

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. Each incident in the events layer of the national situational picture shall be assigned with a single indicative impact level, ranging from ‘low’ and ‘medium’ to ‘high’ impact. All events assigned with a ‘medium’ to ‘high’ impact level shall be shared with the Agency.

4. Each incident in the events layer of the national situational picture shall be assigned with a single indicative impact level, ranging from ‘low’ and ‘medium’ to ‘high’ impact. ***Incidents regarding persons in distress at sea shall be assigned with a ‘high’ impact level.*** All events assigned with a ‘medium’ to ‘high’ impact level

shall be shared with the Agency.

Or. en

Amendment 158
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. Each incident in the events layer of the national situational picture shall be assigned with a single indicative impact level, ranging from ‘low’ and ‘medium’ to ‘high’ impact. All events assigned with a ‘medium’ to ‘high’ impact level shall be shared with the Agency.

Amendment

4. Each incident in the events layer of the national situational picture shall be assigned with a single indicative impact level, ranging from ‘low’ and ‘medium’ to ‘high’ impact. ***Incidents regarding migrants and refugees in distress at sea shall be assigned with a 'high' impact level.*** All events assigned with a ‘medium’ to ‘high’ impact level shall be shared with the Agency.

Or. en

Amendment 159
Cornelia Ernst

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

Text proposed by the Commission

(a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of ***irregular migration and*** cross-border crime.

Amendment

(a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of cross-border crime.

Or. en

Amendment 160
Franziska Keller

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

Text proposed by the Commission

(a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of irregular migration and cross-border crime.

Amendment

(a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of irregular migration, ***the protection of lives of migrants and refugees at sea*** and cross-border crime.

Or. en

Amendment 161
Cornelia Ernst

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

Text proposed by the Commission

(c) an intelligence picture sub-layer, which shall contain migrant profiles, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis.

Amendment

deleted

Or. en

Amendment 162
Franziska Keller

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

Text proposed by the Commission

(c) an intelligence picture sub-layer, which shall contain ***migrant*** profiles, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis.

Amendment

(c) an intelligence picture sub-layer, which shall contain ***migration*** profiles, routes, ***their potential threat for the lives of migrants and refugees***, information on the impact levels attributed to the external land

and sea border sections and facilitation analysis.

Or. en

Amendment 163
Ioan Enciu

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

Text proposed by the Commission

(c) an intelligence picture sub-layer, which shall contain ***migrant profiles***, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis.

Amendment

(c) an intelligence picture sub-layer, which shall contain ***analysis of migration flows***, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis.

Or. en

Amendment 164
Franziska Keller

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

Text proposed by the Commission

Amendment

(c a) a sub-layer with a specific analysis based on weather conditions, routes, occurring emergency situations and other available information shall be included in order to identify potential danger zones for the lives of migrants and refugees at sea

Or. en

Amendment 165
Franziska Keller

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

Text proposed by the Commission

(d) ***an imagery and*** geo-data sub-layer, which shall contain ***reference imagery***, background maps, intelligence validation assessments, ***change analysis (earth observation imagery) as well as change detection***, geo-referenced data and border permeability maps.

Amendment

(d) ***a*** geo-data sub-layer, which shall contain background maps, intelligence validation assessments, geo-referenced data and border permeability maps.

Or. en

Amendment 166
Ioan Enciu

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

Text proposed by the Commission

(d) an imagery and geo-data sub-layer, which shall contain reference imagery, background maps, intelligence validation assessments, change analysis (earth observation imagery) as well as change detection, geo-referenced data and border permeability maps.

Amendment

(d) an imagery and geo-data sub-layer, which shall contain reference imagery, background maps, intelligence validation assessments, change analysis (earth observation imagery) as well as change detection, geo-referenced data and ***external*** border permeability maps.

Or. en

Amendment 167
Franziska Keller

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

Text proposed by the Commission

(a) all incidents concerning irregular migration and cross-border crime and other significant events contained in the events

Amendment

(a) all incidents, ***as defined in point (fa) of Article 3*** concerning irregular migration and cross-border crime and other

layer;

significant events contained in the events layer;

Or. en

Amendment 168
Renate Weber

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

Text proposed by the Commission

Amendment

(d a) all crisis situations related to preventing the loss of human lives and rescuing people within the land and sea borders of the Member State concerned.

Or. en

Amendment 169
Franziska Keller

Proposal for a regulation
Article 9 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. All information on situations where migrants and refugees are found in distress at sea shall be shared immediately with the Agency and the national coordination centres, which shall immediately inform the Maritime Rescue Coordination Centre responsible for the area in which the situation occurs.

Or. en

Amendment 170
Stanimir Ilchev

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the prevention of irregular migration and cross-border crime at the external borders of the Member States.

Amendment

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the ***protection of the lives of migrants and the*** prevention of irregular migration and cross-border crime at the external borders of the Member States, ***as well as for the improvement of the Agency's performance of its tasks.***

Or. en

Amendment 171
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the prevention of irregular migration and cross-border crime at the external borders of the Member States.

Amendment

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the ***protection of the lives of migrants and refugees and the*** prevention of irregular migration and cross-border crime at the external borders of the Member States.

Or. en

Amendment 172
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the ***prevention of irregular migration and*** cross-border crime at the external borders of the Member States.

Amendment

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the ***protection of the lives of migrants and the prevention of*** cross-border crime at the external borders of the Member States.

Or. en

Amendment 173
Renate Weber

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the prevention of irregular migration and cross-border crime at the external borders of the Member States.

Amendment

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant for the prevention of ***loss of lives as well for saving and protecting the lives of people in distress and the prevention of*** irregular migration and cross-border crime at the external borders of the Member States.

Or. en

Amendment 174
Franziska Keller

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

Text proposed by the Commission

(a) national situational pictures, including

Amendment

(a) national situational pictures, including

basic information received under Article 9(8);

basic information received under Article 9(5);

Or. en

Amendment 175
Ioan Enciu

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

Text proposed by the Commission

Amendment

(b a) entities referred to in Article 17;

Or. en

Amendment 176
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) other sources.

deleted

Or. en

Amendment 177
Renate Weber

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

Text proposed by the Commission

Amendment

2 a. Processing of personal data by the Agency shall be limited to personal data regarding persons who are suspected, on reasonable grounds, by the competent authorities of the Member State, of involvement in cross-border criminal

activities, in facilitating illegal migration activities or in human trafficking activities as defined in points (a) and (b) of Article 1(1) of Council Directive 2002/90/EC of 28 November defining the facilitation of unauthorised entry, transit and residence¹.

¹ OJ L...

Or. en

Amendment 178
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) incidents regarding ***irregular migration and*** cross-border crime as well as crisis situations and on other events contained in the events layer of the national situational picture, which has been assigned with a medium or high impact level by the national coordination centre;

Amendment

(a) incidents regarding cross-border crime as well as crisis situations and on other events contained in the events layer of the national situational picture, which has been assigned with a medium or high impact level by the national coordination centre;

Or. en

Amendment 179
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) incidents regarding irregular migration and cross-border crime as well as crisis situations and on other events contained in the events layer of the national situational picture, which has been assigned with a

Amendment

(a) incidents ***as defined in point (fa) of Article 3*** regarding irregular migration and cross-border crime as well as crisis situations and on other events contained in the events layer of the national situational

medium or high impact level by the national coordination centre;

picture, which has been assigned with a medium or high impact level by the national coordination centre;

Or. en

Amendment 180
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) incidents regarding irregular migration and cross-border crime as well as crisis situations and other events contained in Common Pre-Frontier Intelligence Picture, ***once it is having a moderate or significant*** impact on the external borders of the Member States;

Amendment

(b) incidents ***as defined in point (fa) of Article 3*** regarding irregular migration and cross-border crime as well as crisis situations and other events contained in Common Pre-Frontier Intelligence Picture, ***which have a medium or high*** impact on the external borders of the Member States;

Or. en

Amendment 181
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) incidents regarding ***irregular migration and*** cross-border crime as well as crisis situations and other events contained in Common Pre-Frontier Intelligence Picture, once it is having a moderate or significant impact on the external borders of the Member States;

Amendment

(b) incidents regarding cross-border crime as well as crisis situations and other events contained in Common Pre-Frontier Intelligence Picture, once it is having a moderate or significant impact on the external borders of the Member States;

Or. en

Amendment 182
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) incidents regarding ***irregular migration and*** cross-border crime in the operational area of a joint operation coordinated by the Agency.

Amendment

(c) incidents regarding cross-border crime in the operational area of a joint operation coordinated by the Agency.

Or. en

Amendment 183
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of irregular migration and cross-border crime;

Amendment

(a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of irregular migration, ***the protection of migrants and refugees*** and cross-border crime;

Or. en

Amendment 184
Ioan Enciu

Proposal for a regulation
Article 10 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(b a) an analytical sub-layer, which shall present relevant information provided by the Commission, including potential deficiencies and risks, based on assessments undertaken in the framework

of the Schengen Evaluation Mechanism;

Or. en

Justification

The Schengen Evaluation Mechanism will provide valuable information regarding potential weak points and deficiencies in the management of external borders which could be used in order to have a clearer picture of potential threats at the external borders.

Amendment 185

Cornelia Ernst

Proposal for a regulation

Article 10 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) an intelligence picture sub-layer, which shall contain migrant profiles, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

deleted

Or. en

Amendment 186

Franziska Keller

Proposal for a regulation

Article 10 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) an intelligence picture sub-layer, which shall contain **migrant** profiles, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

(c) an intelligence picture sub-layer, which shall contain **migration** profiles, routes, **their potential threat for the lives of migrants and refugees**, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

Or. en

Amendment 187

Ioan Enciu

Proposal for a regulation

Article 10 – paragraph 6 – point c

Text proposed by the Commission

(c) an intelligence picture sub-layer, which shall contain **migrant profiles**, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

Amendment

(c) an intelligence picture sub-layer, which shall contain **analysis of migration flows**, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

Or. en

Amendment 188

Jan Mulder

Proposal for a regulation

Article 10 – paragraph 6 – point c

Text proposed by the Commission

(c) an intelligence picture sub-layer, which shall contain migrant profiles, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

Amendment

(c) an intelligence picture sub-layer, which shall contain migrant profiles **that shall not include personal data**, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

Or. en

Amendment 189

Renate Weber

Proposal for a regulation

Article 10 – paragraph 6 – point c

Text proposed by the Commission

(c) an intelligence picture sub-layer, which shall contain migrant profiles, routes,

Amendment

(c) an intelligence picture sub-layer, which shall contain migrant profiles, **which shall**

information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

not include personal data, routes, information on the impact levels attributed to the external land and sea border sections and facilitation analysis;

Or. en

Amendment 190
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

(c a) a sub-layer with a specific analysis based on weather conditions, routes, occurring emergency situations and other available information shall be included in order to identify potential danger zones for the lives of migrants and refugees at sea;

Or. en

Amendment 191
Ioan Enciu

Proposal for a regulation
Article 10 – paragraph 6 – point d

Text proposed by the Commission

Amendment

(d) an imagery and geo-data sub-layer, which shall contain reference imagery, background maps, intelligence validation assessments, change analysis (earth observation imagery) as well as change detection, geo-referenced data and border permeability maps.

(d) an imagery and geo-data sub-layer, which shall contain reference imagery, background maps, intelligence validation assessments, change analysis (earth observation imagery) as well as change detection, geo-referenced data and **external** border permeability maps.

Or. en

Amendment 192
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 6 – point d

Text proposed by the Commission

(d) an **imagery and** geo-data sub-layer, which shall contain **reference imagery**, background maps, intelligence validation assessments, **change analysis (earth observation imagery) as well as change detection**, geo-referenced data and border permeability maps.

Amendment

(d) an geo-data sub-layer, which shall contain background maps, intelligence validation assessments, geo-referenced data and border permeability maps.

Or. en

Amendment 193
Renate Weber

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

6. The information on own assets in the operational layer of the European situational picture shall be classified as EU Restricted.

Amendment

deleted

Or. en

Amendment 194
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

6. The information on own assets in the operational layer of the European situational picture shall be classified as

Amendment

deleted

EU Restricted.

Or. en

Justification

This would be a hindrance to democratic oversight.

Amendment 195
Jan Mulder

Proposal for a regulation
Article 10 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. If the Agency gains knowledge of persons in distress at sea, it shall immediately inform the neighbouring national coordination centres for the area in which the situation occurs. The Agency shall confirm the responsibility of the Member State concerned and coordinate the appropriate actions.

Or. en

Amendment 196
Franziska Keller

Proposal for a regulation
Article 10 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. If the Agency gains knowledge of migrants or refugees in an emergency situation at sea, it shall immediately inform the relevant national coordination centres, which shall immediately inform the Maritime Rescue Coordination Centre responsible for the area in which the situation occurs.

Amendment 197
Renate Weber

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the prevention of irregular migration and serious or organised crime at the external borders of the Member States and in neighbouring third countries.

Amendment

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the prevention of ***loss of lives and as well for saving and protecting the lives of people in distress and the prevention of*** irregular migration and serious or organised crime at the external borders of the Member States and in neighbouring third countries.

Amendment 198
Franziska Keller

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the prevention of irregular migration and serious or organised crime at the external borders of the Member States and in neighbouring third countries.

Amendment

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the ***protection of the lives of migrants and refugees, the*** prevention of irregular migration and serious or organised crime at the external borders of the Member States and in neighbouring third countries.

Amendment 199
Cornelia Ernst

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the prevention of *irregular migration and* serious or organised crime at the external borders of the Member States and in neighbouring third countries.

Amendment

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the prevention of serious or organised crime at the external borders of the Member States and in neighbouring third countries.

Or. en

Amendment 200
Ioan Enciu

Proposal for a regulation
Article 11 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) entities referred to in Article 17;

Or. en

Amendment 201
Franziska Keller

Proposal for a regulation
Article 11 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) other sources.

deleted

Or. en

Amendment 202

Cornelia Ernst

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The common pre-frontier intelligence picture may contain information which is relevant for air border surveillance operations and checks at border crossing points.

deleted

Or. en

Amendment 203

Ioan Enciu

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The common pre-frontier intelligence picture may contain information which is relevant for air border surveillance operations and checks at border crossing points.

3. The common pre-frontier intelligence picture may contain information which is relevant for air border surveillance operations and checks at *external* border crossing points.

Or. en

Amendment 204

Franziska Keller

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

4. The events layer of the common pre-frontier intelligence picture shall include information on: any incident, crisis situation and on any other event in the pre-frontier area, which could have a ***moderate or significant*** impact on irregular migration and cross-border crime at the external borders of the Member States.

Amendment

4. The events layer of the common pre-frontier intelligence picture shall include information on any incident, crisis situation and on any other event in the pre-frontier area, which could have a ***medium or high*** impact on irregular migration, ***the protection of lives of migrants and refugees*** and cross-border crime at the external borders of the Member States. ***The impact level shall be assigned by the Agency. Incidents regarding migrants and refugees found in distress shall be assigned with a 'high' impact level.***

Or. en

Amendment 205
Cornelia Ernst

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

4. The events layer of the common pre-frontier intelligence picture shall include information on: any incident, crisis situation and on any other event in the pre-frontier area, which could have a moderate or significant impact on ***irregular migration and*** cross-border crime at the external borders of the Member States.

Amendment

4. The events layer of the common pre-frontier intelligence picture shall include information on: any incident, crisis situation and on any other event in the pre-frontier area, which could have a moderate or significant impact on cross-border crime at the external borders of the Member States.

Or. en

Amendment 206
Cornelia Ernst

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. The Agency shall assign a single indicative impact level to each incident in the events layer of the common pre-frontier intelligence picture. The Agency shall inform the national coordination centres on any incident in the pre-frontier area, which has been assigned with a medium or high impact level.

deleted

Or. en

Amendment 207
Franziska Keller

Proposal for a regulation
Article 11 – paragraph 7

Text proposed by the Commission

Amendment

7. The analysis layer of the common pre-frontier intelligence picture shall be structured like the one of the European situational picture, containing strategic information, analytical products and services, intelligence as well as **imagery and** geo-data on the pre-frontier area.

7. The analysis layer of the common pre-frontier intelligence picture shall be structured like the one of the European situational picture, containing strategic information, analytical products and services, intelligence as well as geo-data on the pre-frontier area.

Or. en

Amendment 208
Franziska Keller

Proposal for a regulation
Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. If the Agency gains knowledge of migrants and refugees in distress at sea,

Article 10(7a) shall apply.

Or. en

Amendment 209
Franziska Keller

Proposal for a regulation
Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Common application of surveillance tools

1. The Agency shall facilitate the common application of surveillance tools, such as satellites and ship reporting systems, by Member States in order to supply the national coordination centres and itself with surveillance information on the external borders and on the pre-frontier area on a regular, reliable and cost-efficient basis.

2. The Agency may provide a national coordination centre upon request with information on the external borders of the requesting Member State and on the pre-frontier area which is derived from:

(a) selective monitoring of designated third country ports and coasts which have been identified through risk analysis and intelligence as embarkation or transit points for vessels used for irregular migration and cross-border crime;

(b) tracking of a vessel over high seas which is suspected of or has been identified as being used for irregular migration and cross-border crime;

(c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels suspected of or used for irregular migration and cross-border crime;

(d) environmental assessment of designated areas in the maritime domain and at the external land border in order to optimise monitoring and patrolling activities;

(e) selective monitoring of designated pre-frontier areas at the external land border, which have been identified through risk analysis and intelligence as potential departure or transit areas for irregular migration and cross-border crime.

3. The Agency may provide the information referred to in paragraph 1 by combining and analysing data collected from the following systems, sensors and platforms:

(a) ship reporting systems within their given legal limitations, such as the Automated Identification System (AIS) and the Vessel Monitoring System (VMS);

(b) satellite imagery;

(c) sensors mounted on any platforms, including manned and unmanned aerial vehicles.

4. The Agency may refuse a request from a national coordination centre on the basis of technical and financial limitations as well as for other justified reasons.

5. The Agency may use on its own initiative the surveillance tools referred to in paragraph 2 for collecting information which is relevant for the common pre-frontier intelligence picture.

Or. en

Amendment 210
Renate Weber

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. All surveillance tools used for the purposes of this Regulation shall be used with the main aim of preventing the loss of lives as well as of saving and protecting lives of people in distress at the external borders of the Member States.

Or. en

Amendment 211

Marco Scurria, Roberta Angelilli, Simon Busuttil

Proposal for a regulation

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Agency ***may*** provide a national coordination centre upon request with information on the external borders of the requesting Member State and on the pre-frontier area which is derived from:

2. The Agency ***shall*** provide a national coordination centre upon request with information on the external borders of the requesting Member State and on the pre-frontier area which is derived from:

Or. it

Amendment 212

Cornelia Ernst

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) selective monitoring of designated ***third country ports and coasts*** which have been identified through risk analysis ***and intelligence as embarkation or*** transit points for vessels ***used for irregular migration and*** cross-border crime;

(a) selective monitoring of designated ***pre-frontier areas*** which have been identified through risk analysis ***as*** transit points for vessels ***that are non-seaworthy and/or used for*** cross-border crime;

Or. en

Amendment 213
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) selective monitoring of designated third country ports and coasts which have been identified through risk analysis and intelligence as embarkation or transit points for vessels used for irregular migration **and** cross-border crime;

Amendment

(a) selective monitoring of designated third country ports and coasts which have been identified through risk analysis and intelligence as embarkation or transit points for vessels used for irregular migration **or** cross-border crime;

Or. de

Amendment 214
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) tracking of a vessel over high seas which is suspected of or has been identified as being used for **irregular migration and** cross-border crime;

Amendment

(b) tracking of a vessel over high seas which is suspected of or has been identified as being used for cross-border crime;

Or. en

Amendment 215
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) tracking of a vessel over high seas which is suspected of or has been identified as being used for irregular migration and

Amendment

(b) tracking of a vessel over high seas which is suspected of or has been identified as being used for irregular migration or

cross-border crime;

cross-border crime;

Or. de

Amendment 216
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels suspected of or used for irregular migration and cross-border crime;

deleted

Or. en

Amendment 217
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels suspected of or used for irregular migration ***and*** cross-border crime;

c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels suspected of or used for irregular migration ***or*** cross-border crime;

Or. de

Amendment 218
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) selective monitoring of designated pre-frontier areas at the external land border, which have been identified through risk analysis and intelligence as potential departure or transit areas for irregular migration and cross-border crime.

deleted

Or. en

Amendment 219

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 12 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) selective monitoring of designated pre-frontier areas at the external land border, which have been identified through risk analysis and intelligence as potential departure or transit areas for irregular migration ***and*** cross-border crime.

(e) selective monitoring of designated pre-frontier areas at the external land border, which have been identified through risk analysis and intelligence as potential departure or transit areas for irregular migration ***or*** cross-border crime.

Or. de

Amendment 220

Marco Scurria, Simon Busuttil, Roberta Angelilli

Proposal for a regulation

Article 12 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The Agency ***may*** provide the information referred to in paragraph 1 by combining and analysing data collected from the following systems, sensors and platforms:

3. The Agency ***shall*** provide the information referred to in paragraph 1 by combining and analysing data collected from the following systems, sensors and platforms:

Or. it

Amendment 221
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) sensors mounted on any platforms, including manned and unmanned aerial vehicles.

deleted

Or. en

Amendment 222
Marco Scurria, Roberta Angelilli

Proposal for a regulation
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Agency may not refuse a request for information which could be vital to support the reaction capability of the Member State concerned.

Or. it

Amendment 223
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Agency may use on its own initiative the surveillance tools referred to in paragraph 2 for collecting information which is relevant for the common pre-frontier intelligence picture.

deleted

Amendment 224
Cornelia Ernst

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Processing of personal data

1. The National Situational Picture may be used for processing personal data only to the extent strictly necessary for the purposes of EUROSUR in accordance with Directive 95/46/EC, the national legislation implementing it and other relevant Union and national legislation.

2. The European Situational Picture and the Common Pre-Frontier Intelligence Picture may only be used for processing personal data:

(a) for the registration numbers of vehicles, vessels and other craft, which shall be processed in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC;

(b) to the extent allowed by Article 11c of Regulation (EC) No 2007/2004.

3. Every natural person shall have the right not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour.

Amendment 225
Franziska Keller

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Processing of personal data

1. The National Situational Picture may be used for processing personal data only to the extent necessary for the purposes of EUROSUR in accordance with Directive 95/46/EC, the national legislation implementing it and other relevant national legislation.

2. The European Situational Picture and the Common Pre-Frontier Intelligence Picture may only be used for processing personal data for the registration numbers of vehicles, vessels and other craft, which shall be processed in accordance with Regulation (EC) No 45/2001, Directive 95/46/EC and Article 11c of Regulation (EC) No 2007/2004.

Or. en

Amendment 226
Marco Scurria, Roberta Angelilli, Simon Busuttil

Proposal for a regulation
Article 12 bis (new)

Text proposed by the Commission

Amendment

Article 12a

Processing of personal data

1. EUROSUR shall provide for the

exchange of personal data with a view to contributing to the security of the external borders of EU Member States.

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

3. Processing of personal data by the Agency and the national coordination centres shall be limited to personal data obtained during operations for monitoring, detection, identification, tracking, prevention and interception of illegal border crossings regarding persons who are suspected on reasonable grounds of involvement in cross-border criminal activities, in illegal migration activities or in human trafficking activities as defined in Article 1 (1) (a) and (b) of Council Directive 2002/90/EC, or persons who are victims of such activities and whose data may lead to the perpetrators of such illegal activities.

4. The personal data shall be deleted as soon as the purpose for which they have been collected has been achieved. The term of storage shall in any event not exceed three months after the date of the collection of those data.

5. The personal data processed by the Agency and the national coordination centres for the aim referred to in this article shall, within the framework of the cooperation referred to in Article 17, be forwarded to Europol.

Or. it

Justification

EUROSUR provides for the processing of personal data. Stringent safeguards and criteria should therefore be included.

Amendment 227
Cornelia Ernst

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Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Determination of external border sections

Each Member State shall divide its external land and sea borders into border sections, with a local or regional coordination centre ensuring the effective and efficient management of personnel and resources.

Or. en

Amendment 228
Cornelia Ernst

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Attribution of impact levels to external border sections

1. Based on the Agency's risk analysis and after consultation of the Member States concerned, the Agency shall attribute the following impact levels to each of the external land and sea border sections of Member States:

(a) low impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have an insignificant impact on border security;

(b) medium impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a

moderate impact on border security;

(c) high impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a significant impact on border security.

2. The national coordination centre shall regularly assess whether there is a need to adjust the impact level of any of the border sections. The national coordination centre may invite the Agency to change the impact level by providing substantiated information on the altered conditions at the external border section concerned.

3. The Agency shall visualise of the impact levels attributed to the external borders in the European situational picture.

Or. en

Amendment 229

Anna Hedh

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Based on the Agency's risk analysis *and after consultation of* the Member States concerned, *the Agency* shall attribute the following impact levels to each of the external land and sea border sections of Member States:

Amendment

1. Based on the Agency's risk analysis, the Member States concerned shall attribute the following impact levels to each of the external land and sea border sections of Member States:

Or. sv

Justification

Whilst a better common situational awareness can improve the ability to prevent cross-border crime and fatal accidents at sea when boats with migrants and refugees capsized, the responsibility for border control (and the resources allocated) should ultimately remain a

national matter that does not change or is handed over to someone else as a result of the establishment of EUROSUR

Amendment 230

Ioan Enciu

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Based on the Agency's risk analysis and after consultation of the Member States concerned, the Agency shall attribute the following impact levels to each of the external land and sea border sections of Member States:

Amendment

1. Based on the Agency's risk analysis, ***on relevant aspects of the assessments undertaken in the framework of the Schengen Evaluation Mechanism*** and after consultation of the Member States concerned, the Agency shall attribute the following impact levels to each of the external land and sea border sections of Member States:

Or. en

Justification

The Schengen Evaluation Mechanism will provide valuable information regarding potential weak points and deficiencies in the management of external borders which could be used in order to have a clearer picture of potential threats at the external borders.

Amendment 231

Ioan Enciu

Proposal for a regulation

Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) low impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have an insignificant impact on border security;

Amendment

(a) low impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have an insignificant impact on border security ***or migrant safety***;

Amendment 232

Ioan Enciu

Proposal for a regulation

Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) medium impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a moderate impact on border security;

Amendment

(b) medium impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a moderate impact on border security ***or migrant safety***;

Or. en

Amendment 233

Franziska Keller

Proposal for a regulation

Article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) high impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a significant impact on border security.

Amendment

(c) high impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a significant impact on border security ***or in case the incidents relate to migrants and refugees in an emergency situation at sea.***

Or. en

Amendment 234

Ioan Enciu

Proposal for a regulation

Article 14 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) high impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a significant impact on border security.

(c) high impact level in case the incidents related to irregular migration and cross-border crime occurring at the border section in question have a significant impact on border security **or migrant safety. A high level impact shall be assigned where assessments undertaken in the framework of the Schengen Evaluation Mechanism reveal serious deficiencies in the management of one or more sections of external borders.**

Or. en

Justification

The Schengen Evaluation Mechanism will provide valuable information regarding potential weak points and deficiencies in the management of external borders which could be used in order to have a clearer picture of potential threats at the external borders. When serious deficiencies in the management of external borders are identified, the specific sectors of external borders should receive a high impact level.

Amendment 235
Cornelia Ernst

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Reaction corresponding to impact levels

1. The Member States shall ensure that the surveillance and patrolling activities carried out at the external border sections correspond to the attributed impact levels in the following manner:

(a) where a low impact level is attributed to an external border section, the local or regional coordination centre shall organize regular surveillance on the basis

of risk analysis and ensure that sufficient patrols are being kept in the border area in readiness for tracking, identification and interception;

(b) where a medium impact level is attributed to an external border section, the national coordination centre shall support the local or regional coordination centre by the temporary allocation of additional personnel and resources;

(c) where a high impact level is attributed to an external border section, the national coordination centre shall ensure that the local or regional coordination centre is given all necessary support at national level, including information, resources and personnel; the national coordination centre may also request the Agency for support in accordance with the provisions of Regulation (EC) No 2007/2004.

2. The national coordination centre shall inform the Agency about the measures taken at national level pursuant to points (b) and (c) of paragraph 1 without any delay.

3. Where a medium or high impact level is attributed to an external border section which is adjacent to the border section of another Member State or a third country, the national coordination centre shall coordinate the measures taken with the national coordination centre of the neighbouring country.

4. Where a national coordination centre submits a request according to point (c) of paragraph 1, the Agency may support that centre in particular by

(a) giving priority treatment for the common application of surveillance tools;

(b) coordinating the deployment of European Border Guard Teams in accordance with Regulation (EC) No 2007/2004;

(c) ensuring the deployment of technical

equipment at the disposal of the Agency in accordance with Regulation (EC) No 2007/2004;

(d) coordinating any additional support offered by Member States.

5. The Agency shall evaluate the attribution of impact levels and the corresponding measures taken at national and Union level in its risk analysis reports.

Or. en

Amendment 236
Jan Mulder

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Member States shall ensure that the surveillance *and* patrolling activities carried out at the external border sections correspond to the attributed impact levels in the following manner:

Amendment

1. The Member States shall ensure that the surveillance, patrolling *and certain rescue* activities carried out at the external border sections correspond to the attributed impact levels in the following manner:

Or. en

Amendment 237
Anna Hedh

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Member States *shall* ensure that the surveillance and patrolling activities carried out at the external border sections correspond to the attributed impact levels in the following manner:

Amendment

1. The Member States *should* ensure that the surveillance and patrolling activities carried out at the external border sections correspond to the attributed impact levels in the following manner:

Justification

Whilst a better common situational awareness can help prevent cross-border crime and fatal accidents at sea when boats with migrants and refugees capsize, the responsibility for border control and the resources allocated should ultimately remain a national matter that does not change or is handed over to someone else as a result of the establishment of EUROSUR

Amendment 238

Ioan Enciu

Proposal for a regulation

Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) where a low impact level is attributed to an external border section, the local or regional coordination centre shall organize regular surveillance on the basis of risk analysis and ensure that sufficient patrols are being kept in the border area in readiness for tracking, identification *and* interception;

Amendment

(a) where a low impact level is attributed to an external border section, the local or regional coordination centre shall organize regular surveillance on the basis of risk analysis and ensure that sufficient patrols are being kept in the border area in readiness for tracking, identification, interception *and rescue*;

Or. en

Amendment 239

Ioan Enciu

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

3. Where a medium or high impact level is attributed to an external border section which is adjacent to the border section of another Member State or a third country, the national coordination centre shall coordinate the measures taken with the national coordination centre of the neighbouring country.

Amendment

3. Where a medium or high impact level is attributed to an external border section which is adjacent to the border section of another Member State or a third country, the national coordination centre shall coordinate the measures taken with the national coordination centre of the neighbouring country *and the Agency*.

Amendment 240
Franziska Keller

Proposal for a regulation
Article 15 – paragraph 4 – point a

Text proposed by the Commission

Amendment

*(a) giving priority treatment for the
common application of surveillance tools;*

deleted

Amendment 241
Cornelia Ernst

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

*Responsibility for Search and Rescue
operations*

*1. If in the context of surveillance and
patrolling activities laid down in Article
15(1), a vessel is detected and found to be
in distress, the national coordination
centre that is responsible for the area
where the vessel is located shall
immediately organise a search and rescue
operation that results in rendering the
necessary assistance to the vessel and the
persons aboard thereof. As a rule, the
vessel shall be brought to the next safe
haven in a Member State.*

*2. If no national coordination centre is
responsible for the area where a vessel is
detected and found to be in distress,
relevant information shall immediately be
passed to the Agency which shall either*

determine the Member State responsible for the individual search and rescue operation or use its own capacities. The criteria for the determination of the Member State responsible shall be laid down in the operational layer of the European Situational Picture as defined in Article 10(5).

Or. en

Amendment 242
Cornelia Ernst

Proposal for a regulation
Article 15 b (new)

Text proposed by the Commission

Amendment

Article 15 b

Treatment of intercepted migrants

1. If in the course of an interception or a search and rescue operation, persons either claim to be or are evidently in need of international protection they shall be immediately brought to the territory of a Member State and given access to fair determination procedures that meet the standards laid down in Directive.../.../EU of the European Parliament and of the Council of... [on common procedures for granting and withdrawing international protection status (Recast)].

2. Article 10(1) of Council Regulation (EC) No 343/2003/EC shall not apply to the persons referred to in paragraph 1.

3. The Agency and the Member States shall ensure that the treatment and level of protection of intercepted third-country nationals who are not subject to the mechanism mentioned in paragraph 1, are not less favourable than as set out in the following:

(i) where – as a last resort – coercive measures are used to carry out the removal of an intercepted person who resists removal, such measures shall be proportionate and shall not exceed reasonable force. They shall be implemented in accordance with fundamental rights and with due respect for the dignity and physical integrity of the person concerned;

(ii) removal of an intercepted person may be postponed taking into account the specific circumstances of the individual case. In particular the person's physical state or mental capacity shall be taken into account;

(iii) emergency healthcare and essential treatment of illness shall be provided;

(iv) special needs of vulnerable persons shall be taken into account.

Or. en

Amendment 243
Cornelia Ernst

Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Allocation of tasks to other centres in the Member States

1. Member States may entrust regional, local, functional or other centres, which are in the position to take operational decisions, with ensuring the situational awareness and reaction capability in the respective area of competence, including the tasks and competences referred to in points (b), (d) and (e) of Article 5(3).

2. The decision of the Member State

referred to in paragraph 1 shall not affect the national coordination centre in its ability to cooperate and exchange information with other national coordination centres and the Agency.

3. In pre-defined cases the national coordination centre may authorise a centre referred to in paragraph 1 to communicate and exchange information with the regional coordination centre or the national coordination centre of another Member State or third country on condition that it regularly informs its own national coordination centre about the communication and information exchange.

Or. en

Amendment 244
Franziska Keller

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. In pre-defined cases the national coordination centre may authorise a centre referred to in paragraph 1 to communicate and exchange information with the regional coordination centre or the national coordination centre of another Member State *or third country* on condition that it regularly informs its own national coordination centre about the communication and information exchange.

Amendment

3. In pre-defined cases the national coordination centre may authorise a centre referred to in paragraph 1 to communicate and exchange information with the regional coordination centre or the national coordination centre of another Member State on condition that it regularly informs its own national coordination centre about the communication and information exchange.

Or. en

Amendment 245
Ioan Enciu

Proposal for a regulation
Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) **European Police Office (Europol)**, the Maritime Analysis and Operations Centre – Narcotics (MAOC-N) and the Centre de Coordination pour la lutte antidrogue en Méditerranée (CeCLAD-M) in order to exchange information on cross-border crime to be included in the European Situational Picture;

Amendment

(a) the Maritime Analysis and Operations Centre – Narcotics (MAOC-N) and the Centre de Coordination pour la lutte antidrogue en Méditerranée (CeCLAD-M) in order to exchange information on cross-border crime to be included in the European Situational Picture;

Or. en

Amendment 246
Ioan Enciu

Proposal for a regulation
Article 17 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the European Police Office in order to exchange information on cross-border crime;

Or. en

Amendment 247
Ioan Enciu

Proposal for a regulation
Article 17 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the European Commission **and** EU agencies which can provide the Agency with information relevant for maintaining the European Situational Picture and the Common Pre-Frontier Intelligence Picture;

(c) the European Commission, **the European Asylum Support Office and other** EU agencies which can provide the Agency with information relevant for maintaining the European Situational Picture and the Common Pre-Frontier

Intelligence Picture;

Or. en

Amendment 248
Cornelia Ernst

Proposal for a regulation
Article 17 – paragraph 2 – point d

Text proposed by the Commission

(d) international organisations which can provide the Agency with information relevant for maintaining the European Situational Picture and the Common Pre-Frontier Intelligence Picture.

Amendment

(d) international ***and non-governmental*** organisations which can provide the Agency with information relevant for maintaining the European Situational Picture and the Common Pre-Frontier Intelligence Picture.

Or. en

Amendment 249
Franziska Keller

Proposal for a regulation
Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Agency shall ensure that all data processing and exchange operations with the entities referred to in paragraph 2 are logged or documented for the purposes of checking and for self-monitoring the lawfulness of the data processing (data protection logs). Logging or documenting shall be inseparably connected to the data processing or exchange operation and not subject to human intervention.

The log or documentation shall contain all information which is necessary to:

- uniquely identify which individual has performed the actions on EUROSUR

data,

- precisely determine the actions performed on EUROSUR data,*
- precisely determine at what date and time the actions were performed.*

The log or documentation shall contain at least in all cases:

- the exact purpose of the data processing,*
- the date and exact time of the processing,*
- the name of the entity to which data are transferred or which transfers data to the Agency,*
- the data.*

The data protection logs shall only be used by:

- the Agency's data protection officer for the purpose of self-monitoring,*
- the EDPS for the purpose of fulfilling its duties, and*
- the Agency's IT administrators for technical maintenance of the system and to support the Agency's data protection officer and the EDPS.*

The IT administrators shall only access the data protection logs with the prior consent of the Agency's data protection officer. Their access shall normally be limited to the data describing the operation and not to the personal data exchanged or processed which shall only be made accessible in duly justified exceptional cases.

The data protection logs shall be made available to the data protection officer of the Agency or to the EDPS on their request without undue delay.

The data protection logs shall be kept for the period during which they may be required for an investigation or audit and shall be erased after this period. The retention period, including backups, shall

not exceed 18 months.

Or. en

Amendment 250
Franziska Keller

Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

5. The agencies and centres referred to in paragraph 2 *may* use information received in the context of EUROSUR within the limits of their legal framework and in compliance with fundamental rights.

Amendment

5. The agencies and centres referred to in paragraph 2 *shall* use information received in the context of EUROSUR *only* within the limits of their legal framework and in compliance with fundamental rights.

Or. en

Amendment 251
Renate Weber

Proposal for a regulation
Article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. With respect to privacy rights, the exchange of data in the context of EUROSUR shall fully comply with the provisions of Directive 95/46/EC, the national implementing legislation and other relevant Union or national legislation.

Or. en

Amendment 252
Sarah Ludford, Anthea McIntyre

**Proposal for a regulation
Article 17 a (new)**

Text proposed by the Commission

Amendment

Article 17 a

Cooperation with Ireland and the United Kingdom

1. The exchange of information and cooperation with Ireland and the United Kingdom on protecting lives of migrants and preventing irregular migration and cross-border crime at the external borders may take place on the basis of bilateral or multilateral agreements between Ireland and the United Kingdom and one or several neighbouring Member States. These agreements may include one or several neighbouring third countries. The national coordination centres of the Member States shall be the contact point for the exchange of information between the communication network referred to in Article 7, any neighbouring third countries specified in an agreement, and Ireland and the United Kingdom. Those agreements shall be notified to the Commission.

2. The agreements referred to in paragraph 1 shall be limited to the following exchange of information between the national coordination centre of a Member State, any neighbouring third countries specified in an agreement, and Ireland and the United Kingdom:

(a) information contained in the national situational picture of a Member State to the extent transmitted to the Agency for the purposes of the European situational picture and the Common pre-frontier intelligence picture;

(b) information collected by Ireland and the United Kingdom which is relevant for the purposes of the European situational picture and the Common pre-frontier

intelligence picture;

(c) information as laid down in Article 9(9);

(d) information collected by any neighbouring third countries specified in an agreement and which is relevant for the purposes of the European situational picture and the Common pre-frontier intelligence picture.

3. Prior approval of any other Member State, which provided information in the context of EUROSUR and which is not part of any of the agreements referred to in paragraph 1, shall be required before that information can be shared with Ireland and the United Kingdom under that agreement.

4. The agreements referred to in paragraph 1 shall provide that Ireland and the United Kingdom shall bear all of their own financial costs arising from their participation in EUROSUR.

Or. en

Justification

The draft report does not allow the UK and Ireland to share situational data with both Member States and neighbouring third countries, only with Member States. It also prohibits the onward disclosure of information to third countries. It is important that the text should include the possibility for the UK and Ireland to be part of bilateral or multilateral agreements that include neighbouring third countries and to be able to disclose information for the purposes of EUROSUR to those third countries specified in those agreements. The UK and Ireland could then be invited by Member States to form part of networks where there is evidence that their experience and surveillance capabilities can add value while paying the financial costs of their own participation.

Amendment 253
Franziska Keller

Proposal for a regulation
Article 18

Article 18

deleted

Cooperation with neighbouring third countries

- 1. The exchange of information and cooperation with neighbouring third countries on preventing irregular migration and cross-border crime may take place on the basis of bilateral or multilateral agreements between one or several Member States and one or several neighbouring third countries concerned. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries.**
- 2. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2), which a third country that could use this information to identify persons or groups of persons who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.**
- 3. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2) shall be done in compliance with the conditions of the bilateral and multilateral agreements concluded with neighbouring third countries.**
- 4. Prior approval of any other Member State, which provided information in the context of EUROSUR and which is not part of any of the agreements referred to in paragraph 1 and of the networks referred to in point (h) of Article 9(2), shall be required before that information can be shared with any third country**

under that agreement or network.

5. Any exchange of information with third countries of information derived from service for the common application of surveillance tools is subject to the legislation and rules governing those tools and systems as well as to the relevant provisions of Directive 95/46/EC and Regulation (EC) No 45/2001.

Or. en

Amendment 254
Renate Weber

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The exchange of information and cooperation with neighbouring third countries on preventing irregular migration and cross-border crime may take place on the basis of bilateral or multilateral agreements between one or several Member States and one or several neighbouring third countries concerned. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries.

Amendment

1. The exchange of information and cooperation with neighbouring third countries on preventing ***the loss of lives as well as saving and protecting lives of people in distress at the external borders of the Member States and preventing*** irregular migration and cross-border crime may take place on the basis of bilateral or multilateral agreements between one or several Member States and one or several neighbouring third countries concerned. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries.

Or. en

Amendment 255
Marco Scurria, Simon Busuttil, Roberta Angelilli

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The **exchange of information and cooperation** with neighbouring third countries **on preventing irregular migration and cross-border crime may take place on the basis of** bilateral or multilateral agreements **between one or several Member States and** one or several **neighbouring** third countries concerned. **The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries.**

Amendment

1. The **efficient functioning of EUROSUR shall depend on its ability to cooperate and collaborate** with neighbouring third countries **in the exchange of information. The European Union and/or one or several Member States shall draw up** bilateral or multilateral agreements **with** one or several **of the** third countries concerned **in order to prevent irregular migration and cross-border criminal activities.**

Or. it

Justification

It needs to be stressed that, particularly with a view to preventing irregular migration, cooperation with third countries has a vital role to play.

Amendment 256
Salvatore Iacolino, Georgios Papanikolaou

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The exchange of information and cooperation with neighbouring third countries on preventing irregular migration and cross-border crime **may** take place on the basis of bilateral or multilateral agreements **between one or several Member States** and one or several **neighbouring** third countries concerned. **The national coordination centres of the Member States** shall be the contact point for the exchange of information between

Amendment

1. The exchange of information and cooperation with neighbouring third countries on preventing irregular migration and cross-border crime **shall** take place on the basis of bilateral or multilateral agreements between **the Union** and one or several **of the** third countries concerned, **in accordance with the principles of responsibility and solidarity, and without prejudice to the option** Member States **have of concluding bilateral agreements**

the network referred to in Article 7 and the regional networks with neighbouring third countries.

with third countries. The *Agency* shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries.

Or. it

Amendment 257
Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The exchange of information and cooperation with neighbouring third countries on ***preventing irregular migration and*** cross-border crime may take place on the basis of bilateral or multilateral agreements between one or several Member States and one or several neighbouring third countries concerned. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries.

Amendment

1. The exchange of information and cooperation with neighbouring third countries on ***protecting lives of migrants and preventing*** cross-border crime may take place on the basis of bilateral or multilateral agreements between one or several Member States and one or several neighbouring third countries concerned. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the regional networks with neighbouring third countries. ***Those agreements shall be transmitted to the respective national Parliament and notified to the Commission. The Commission shall inform the European Parliament of any such agreement, including the content of these agreements.***

Or. en

Amendment 258
Sylvie Guillaume, Ioan Enciu

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2), which a third country *that* could use *this information* to identify persons or groups of persons who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.

Amendment

2. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2), which a third country could use to identify persons or groups of persons ***who request access to international protection or*** who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.

Or. fr

Amendment 259
Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2), which a third country that could use this information to identify persons or groups of persons who are under a ***serious*** risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.

Amendment

2. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2), which a third country that could use this information to identify persons or groups of persons who are under a risk of being subjected to torture, inhuman and degrading treatment or punishment ***or discrimination*** or any other violation of fundamental rights, shall be prohibited.

Or. en

Amendment 260
Renate Weber

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2) shall be done in compliance with the conditions of the bilateral and multilateral agreements concluded with neighbouring third countries.

Amendment

3. Any exchange of information under paragraph 1 of this Article and under point (h) of Article 9(2) shall be done in compliance with the conditions of the bilateral and multilateral agreements concluded with neighbouring third countries **and with Directive 95/46/EC, the national implementing legislation and other relevant Union or national legislation.**

Or. en

Amendment 261

Monika Hohlmeier, Hubert Pirker

Proposal for a regulation

Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Any information provided by the Agency, in particular on the basis of risk analyses, information provided by liaison officers or on the basis of the use of surveillance tools defined in Article 12, may be shared with any third country under any agreement referred to in paragraph 1 or under any network referred to in point (h) of Article 9(2) only with prior approval of the Agency.

Or. en

Justification

Some of the information contained in Eurosur will come from Frontex (e.g. the contents of the "analysis layers", certain contents of the common tools, information provided by Frontex liaison officers in third countries or certain results of Frontex own analyses). This Frontex information may also be sensitive or even classified. For such information to be shared with third countries by the Member States, Frontex approval should be required.

Amendment 262
Stanimir Ilchev

Proposal for a regulation
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Onward transmission or other communication of information to third countries that do not have agreements with Member States in the framework of EUROSUR or other third parties shall be prohibited.

Or. en

Amendment 263
Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The National Coordination Centres and the Agency shall keep a logbook that keeps track of all transactions of information with third countries in order to enable supervisory authorities to review the exchange of information with third countries and verify that data protection legislation is respected. This logbook shall only be accessible to competent supervisory authorities.

Or. en

Amendment 264
Renate Weber

Proposal for a regulation
Article 19

Text proposed by the Commission

The European Commission shall, in close cooperation with the Member States **and** the Agency, make available a Practical Handbook for the implementation and management of EUROSUR (hereinafter ‘Handbook’), providing technical and operational guidelines, recommendations and best practices. The European Commission shall adopt the Handbook in the form of a recommendation.

Amendment

The European Commission shall, in close cooperation with the Member States, the Agency, ***the European Union Agency for Fundamental Rights (FRA), the European Data Protection Supervisor (EDPS), the European Asylum Support Office (EASO) and any other relevant Union body,*** make available a Practical Handbook for the implementation and management of EUROSUR (hereinafter ‘Handbook’), providing technical and operational guidelines, recommendations and best practices. The European Commission shall adopt the Handbook in the form of a recommendation.

Or. en

Amendment 265

Ioan Enciu

Proposal for a regulation

Article 19

Text proposed by the Commission

The European Commission shall, in close cooperation with the Member States and the Agency, make available a Practical Handbook for the implementation and management of EUROSUR (hereinafter ‘Handbook’), providing technical and operational guidelines, recommendations and best practices. The European Commission shall adopt the Handbook in the form of a recommendation.

Amendment

The European Commission shall, in close cooperation with the Member States and the Agency, make available a Practical Handbook for the implementation and management of EUROSUR (hereinafter ‘Handbook’), providing technical and operational guidelines, recommendations and best practices. ***This handbook shall include, inter alia, details on minimum standards and requirements for any agreements with third countries in accordance with Article 18(1a).*** The European Commission shall adopt the Handbook in the form of a recommendation.

Or. en

Amendment 266
Franziska Keller

Proposal for a regulation
Article 19

Text proposed by the Commission

The European Commission shall, in close cooperation with the Member States and the Agency, make available a Practical Handbook for the implementation and management of EUROSUR (hereinafter ‘Handbook’), providing technical and operational guidelines, recommendations and best practices. The European Commission shall adopt the Handbook in the form of a recommendation.

Amendment

The European Commission shall, in close cooperation with the Member States and the Agency, make **publicly** available a Practical Handbook for the implementation and management of EUROSUR (hereinafter ‘Handbook’), providing technical and operational guidelines, recommendations and best practices. The European Commission shall adopt the Handbook in the form of a recommendation.

Or. en

Amendment 267
Renate Weber

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders.

Amendment

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders **and the compliance with human dignity and human rights principles.**

Or. en

Amendment 268
Sylvie Guillaume, Ioan Enciu

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders.

Amendment

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders, ***including the protection of migrants' lives.***

Or. fr

Amendment 269
Franziska Keller

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders.

Amendment

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability ***including to protect the lives of migrants and refugees*** at the external borders.

Or. en

Amendment 270
Cornelia Ernst

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders.

Amendment

1. The Agency shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders, ***and against the respect for fundamental rights.***

Or. en

Amendment 271
Franziska Keller

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The Agency shall submit a report on the functioning of EUROSUR on 1 October **2015** and every **two years** thereafter.

Amendment

2. The Agency shall submit a report on the functioning of EUROSUR ***including the use and efficiency of surveillance tools to the European Parliament, the Council and the Commission*** on 1 October **2014** and every **year** thereafter.

Or. en

Amendment 272
Renate Weber

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The Agency shall submit a report on the functioning of EUROSUR on 1 October 2015 and every two years thereafter.

Amendment

2. The Agency shall submit ***to the European Parliament, the Council and the Commission*** a report on the functioning of EUROSUR on 1 October 2015 and every two years thereafter.

Amendment 273
Cornelia Ernst

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The Agency shall submit a report on the functioning of EUROSUR on 1 October **2015** and every **two years** thereafter.

Amendment

2. The Agency shall submit a report on the functioning of EUROSUR on 1 October **2014** and every **year** thereafter.

Or. en

Amendment 274
Franziska Keller

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The Commission shall provide an overall evaluation of EUROSUR to the European Parliament and the Council **on** 1 October 2016 and every **four** years thereafter. This evaluation shall include an examination of results achieved against objectives **and** an assessment of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with fundamental rights. That evaluation shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

Amendment

3. The Commission shall provide an overall evaluation of EUROSUR to the European Parliament and the Council **by** 1 October 2016 and every **three** years thereafter. This evaluation shall include an examination of results achieved against objectives, **a cost-efficiency analysis including all direct and indirect expenditures of the Union and the Member States for EUROSUR, and** an assessment of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with **and impact on** fundamental **and human** rights **including as regards processing of personal data and effective access to international protection. It shall also include an assessment of the feasibility of the inclusion in EUROSUR of air border surveillance and checks at border**

crossing points. That evaluation shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

Or. en

Amendment 275
Sylvie Guillaume, Ioan Enciu

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The Commission shall provide an overall evaluation of EUROSUR to the European Parliament and the Council on 1 October 2016 and every four years thereafter. This evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with fundamental rights. That evaluation shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

Amendment

3. The Commission shall provide an overall evaluation of EUROSUR to the European Parliament and the Council on 1 October 2016 and every four years thereafter. This evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with fundamental rights, *particularly access to international protection*. That evaluation shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

Or. fr

Amendment 276
Cornelia Ernst

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The Commission shall provide an overall evaluation of EUROSUR to the

Amendment

3. The Commission shall provide an overall evaluation of EUROSUR to the

European Parliament and the Council on 1 October 2016 and every **four** years thereafter. This evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with fundamental rights. That evaluation shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

European Parliament and the Council on 1 October 2016 and every **three** years thereafter. This evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with fundamental rights, **including as regards the processing of personal data**. That evaluation shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

Or. en

Amendment 277

Ioan Enciu

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

3. Article 5(1) shall apply to the Member States located at the southern sea and eastern land external borders of the Union (Bulgaria, Cyprus, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia and Spain) from 1 October 2013.

Amendment

deleted

Or. en

Justification

The national coordination centres should be functional in all Member States at the same time.

Amendment 278

Cornelia Ernst

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. Article 5(1) shall apply to the Member States located at the southern sea and eastern land external borders of the Union (Bulgaria, Cyprus, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia and Spain) from 1 October 2013. *deleted*

Or. en

Amendment 279
Ioan Enciu

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

Amendment

Article 5(1) shall apply to the remaining Member States with land and sea external borders (Belgium, Germany, Netherlands and Sweden) as from 1 October 2014. *deleted*

Or. en

Justification

The national coordination centres should be functional in all Member States at the same time.

Amendment 280
Cornelia Ernst

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

Amendment

Article 5(1) shall apply to the remaining Member States with land and sea external borders (Belgium, Germany, Netherlands and Sweden) as from 1 October 2014.

deleted

Or. en

**Amendment 281
Franziska Keller**

**Proposal for a regulation
Annex 1**

Text proposed by the Commission

Amendment

Annex

deleted

The following principles shall be taken into account when setting, operating and maintaining the different components of the EUROSUR framework:

(a) Principle of communities of interest: The national coordination centres and the Agency shall form particular communities of interest for sharing information and cooperation in the framework of EUROSUR. Communities of interest shall be used to organise different national coordination centres and the Agency to exchange information in pursuit of shared objectives, requirements and interests.

(b) Principles of coherent management and of using existing structures: The Agency shall ensure the coherence between the different components of the EUROSUR framework, including providing guidance and support to the national coordination centres and promoting the interoperability of information and technology. To the extent possible, the EUROSUR framework shall make use of existing systems and

capabilities. In this context, EUROSUR shall be established in full compatibility with the initiative for a Common Information Sharing Environment for the surveillance of the EU maritime domain (CISE), thereby contributing to and benefit from a coordinated and cost-efficient approach for cross-sectoral information exchange in the Union.

(c) Principles of information sharing and of information assurance: Information made available in the EUROSUR framework shall be available to all national coordination centres and the Agency, unless specific restrictions have been laid down or agreed upon. The national coordination centres shall guarantee the availability, confidentiality and integrity of the information to be exchanged at national and European level. The Agency shall guarantee the availability, confidentiality and integrity of the information to be exchanged at European level.

(d) Principles of service-orientation and of standardisation: The different EUROSUR capabilities shall be implemented using a service-oriented approach. The Agency shall ensure that, to the extent possible, the EUROSUR framework is based on internationally agreed standards.

(e) Principle of flexibility: Organisation, information and technology shall be designed to enable the EUROSUR stakeholders to react to changing situations in a flexible and structured manner.

Or. en