



11.12.2018

# OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action No 98/700/JHA, Regulation (EU) No 1052/2013 of the European Parliament and of the Council and Regulation (EU) No 2016/1624 of the European Parliament and of the Council  
(COM(2018)0631 – C8-0406/2018 – 2018/0330(COD))

Rapporteur for opinion: Jens Geier

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## AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation Recital 5 a (new)

*Text proposed by the Commission*

*Amendment*

***(5 a) The standing corps of 10 000 operational staff should mainly consist of operational staff seconded from Member States. The Member States are responsible for making sure that the standing corps is set up and operational without any delay.***

### Amendment 2

#### Proposal for a regulation Recital 10

*Text proposed by the Commission*

*Amendment*

(10) European Integrated Border Management should be implemented as a shared responsibility of the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks, and those responsible for returns. While Member States retain the primary responsibility for the management of their external borders in their interest and in the interest of all Member States and are responsible for issuing return decisions, the Agency should support the application of Union measures relating to the management of the external borders and returns by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

(10) European Integrated Border Management should be implemented as a shared responsibility of the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks, and those responsible for returns. While Member States retain the primary responsibility for the management of their external borders in their interest and in the interest of all Member States and are responsible for issuing return decisions, the Agency should support the application of Union measures relating to the management of the external borders and returns by reinforcing, assessing and coordinating the actions of Member States which implement those measures. ***There should be no operational overlaps***

### Amendment 3

#### Proposal for a regulation

##### Recital 91

*Text proposed by the Commission*

(91) In order to guarantee the autonomy of the Agency, it should be granted a stand-alone budget with a revenue which comes mostly from a contribution from the Union. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

*Amendment*

(91) In order to guarantee the autonomy of the Agency, it should be granted a stand-alone budget with a revenue which comes mostly from a contribution from the Union. ***The Agency's budget should be prepared in accordance with the principle of performance-based budgeting, taking into account the Agency's objectives and the expected results of its tasks.*** The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

### Amendment 4

#### Proposal for a regulation

##### Article 2 – paragraph 1 – point 28

*Text proposed by the Commission*

(28) ‘return operation’ means an operation that is organised or coordinated by the European Border and Coast Guard Agency and involves technical and operational reinforcement provided to one or more Member States ***or to a third country***, under which returnees from one or more Member States or from a third country are returned, either on a forced or voluntary basis, irrespective of the means of transport;

*Amendment*

(28) ‘return operation’ means an operation that is organised or coordinated by the European Border and Coast Guard Agency and involves technical and operational reinforcement provided to one or more Member States, under which returnees from one or more Member States or from a third country are returned, either on a forced or voluntary basis, irrespective of the means of transport;

## Amendment 5

### Proposal for a regulation

#### Article 10 – paragraph 1 – introductory part

*Text proposed by the Commission*

(1) The Agency shall perform the following tasks with a view to contributing to an efficient, high and uniform level of border control and return:

*Amendment*

(1) The Agency, ***while avoiding duplicating Member States' operational work***, shall perform the following tasks with a view to contributing to an efficient, high and uniform level of border control and return:

## Amendment 6

### Proposal for a regulation

#### Article 10 – paragraph 1 – point 23

*Text proposed by the Commission*

***23. support third countries in the coordination or organisation of return activities to other third countries, including the sharing of personal data for return purposes;***

*Amendment*

***deleted***

## Amendment 7

### Proposal for a regulation

#### Article 54 – paragraph 2

*Text proposed by the Commission*

***2. The Agency may also launch return interventions in third countries, based on the directions set out in the multiannual strategic policy cycle, where such third country requires additional technical and operational assistance with regard to its return activities. Such intervention may consist of the deployment of return teams for the purpose of providing technical and operational assistance to return activities of the third country.***

*Amendment*

***deleted***

## Amendment 8

### Proposal for a regulation

#### Article 55 – paragraph 2

*Text proposed by the Commission*

2. The Agency shall deploy members of the European Border and Coast Guard standing corps as members of the border management teams, migration management support teams, return teams in joint operations, rapid border interventions or return interventions or any other relevant operational activities in the Member States or in third countries.

*Amendment*

2. The Agency shall deploy members of the European Border and Coast Guard standing corps as members of the border management teams, migration management support teams, return teams in joint operations, rapid border interventions or return interventions or any other relevant operational activities in the Member States or in third countries. ***The Agency and the relevant Member State should make sure no operational overlaps are created.***

## Amendment 9

### Proposal for a regulation

#### Article 78 – paragraph 3

*Text proposed by the Commission*

3. The tasks of the Agency's liaison officers shall include, in compliance with Union law and respecting fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against illegal immigration and the return of returnees, including by providing technical assistance in identification of third-country nationals and the acquisition of travel documents. Those liaison officers shall coordinate closely with Union delegations and, where relevant, CSDP missions and operations.

*Amendment*

3. The tasks of the Agency's liaison officers shall include, in compliance with Union law and respecting fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against illegal immigration and the return of returnees, including by providing technical assistance in identification of third-country nationals and the acquisition of travel documents. Those liaison officers shall coordinate closely with Union delegations and, where relevant, CSDP missions and operations. ***They shall, wherever possible, have their offices in the same building.***

## Amendment 10

### Proposal for a regulation

#### Article 99 – paragraph 1

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

1. Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State **and** two representatives of the Commission, all with a right to vote. To this effect, each Member State shall appoint a member of the management board as well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. The duration of the terms of office shall be four years. The terms of office shall be extendable.

##### *Amendment*

1. Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State, two representatives of the Commission **and one member appointed by the European Parliament**, all with a right to vote. To this effect, each Member State shall appoint a member of the management board as well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. The duration of the terms of office shall be four years. The terms of office shall be extendable.

## Amendment 11

### Proposal for a regulation

#### Article 100 – paragraph 1

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

1. The management board shall, by 30 November each year, adopt a final programming document containing inter alia the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director and endorsed by the management board. The final programming document shall be adopted after a positive opinion of the Commission, as regards the multiannual programming, after having consulted the European Parliament. If the Agency decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification. The management board shall forward the document to the European Parliament, to

##### *Amendment*

1. The management board shall, by 30 November each year, **and taking into account the recommendations of the Inter-Institutional Working Group on agencies' resources**, adopt a final programming document containing inter alia the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director and endorsed by the management board. The final programming document shall be adopted after a positive opinion of the Commission, as regards the multiannual programming, after having consulted the European Parliament. If the Agency decides not to take into account elements of the opinion of the Commission **or the**

the Council and to the Commission.

**European Parliament**, it shall provide a thorough justification. The management board shall forward the document to the European Parliament, to the Council and to the Commission.

## Amendment 12

### Proposal for a regulation

#### Article 111 – paragraph 5 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The provisional draft estimate shall be based on the detailed objectives and the expected results of the annual work programme and shall take into account the financial resources necessary to achieve those objectives and results, in accordance with the principle of performance-based budgeting.***



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	European Border and Coast Guard
<b>References</b>	COM(2018)0631 – C8-0406/2018 – 2018/0330(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 22.10.2018
<b>Opinion by</b> Date announced in plenary	BUDG 22.10.2018
<b>Rapporteur</b> Date appointed	Jens Geier 9.10.2018
<b>Discussed in committee</b>	21.11.2018
<b>Date adopted</b>	10.12.2018
<b>Result of final vote</b>	+: 21 –: 5 0: 1
<b>Members present for the final vote</b>	Jean Arthuis, Richard Ashworth, Lefteris Christoforou, Manuel dos Santos, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Ingeborg Gräßle, John Howarth, Siegfried Mureşan, Liadh Ní Riada, Jan Olbrycht, Pina Picierno, Paul Rübige, Petri Sarvamaa, Jordi Solé, Patricija Šulin, Indrek Tarand, Monika Vana, Daniele Viotti, Marco Zanni
<b>Substitutes present for the final vote</b>	Xabier Benito Ziluaga, Karine Gloanec Maurin, Marco Valli
<b>Substitutes under Rule 200(2) present for the final vote</b>	Clara Eugenia Aguilera García, Claudia Schmidt

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Jean Arthuis
PPE	Richard Ashworth, Lefteris Christoforou, José Manuel Fernandes, Ingeborg Gräßle, Siegfried Mureşan, Jan Olbrycht, Petri Sarvamaa, Claudia Schmidt, Patricija Šulin
S&D	Clara Eugenia Aguilera García, Eider Gardiazabal Rubial, Jens Geier, Karine Gloanec Maurin, John Howarth, Pina Picierno, Manuel dos Santos, Daniele Viotti
VERTS/ALE	Jordi Solé, Indrek Tarand, Monika Vana

5	-
EFDD	Marco Valli
ENF	André Elissen, Marco Zanni
GUE/NGL	Xabier Benito Ziluaga, Liadh Ní Riada

1	0
PPE	Paul Rübzig

Key to symbols:

+ : in favour

- : against

0 : abstention