

**Proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council (COM(2018)0631 – C8 0406/2018 – 2018/0330(COD))**

(Article 50 to 80a)

	Commission proposal	EP amendments	Council position	Compromise text proposals
689	Article 50	Article 50	Article 50	Article 50
690	Information exchange systems and management of return	Information exchange systems and management of return	Information exchange systems and management of return	Information exchange systems and management of return
691	The Agency shall develop, deploy and operate information systems and software applications allowing for the exchange of classified and sensitive non-classified information for the purpose of return within the European Border and Coast Guard and for the purpose of exchanging personal data referred to in Articles 87-89 in accordance with Commission Decision (EU, Euratom) 2015/444, Commission Decision (EU, Euratom) 2015/443 and [Regulation (EC) No 45/2001].	The Agency shall develop, deploy and operate information systems and software applications allowing for the exchange of classified and sensitive non-classified information for the purpose of return within the European Border and Coast Guard and for the purpose of exchanging personal data referred to in Articles 87-89 in accordance with Commission Decision (EU, Euratom) 2015/444, Commission Decision (EU, Euratom) 2015/443 and <del>[Regulation (EC) No 45/2001]</del> <b>(EU) 2018/1725.</b>	<del>The Agency shall develop, deploy and operate information systems and software applications allowing for the exchange of classified and sensitive non-classified information for the purpose of return within the European Border and Coast Guard and for the purpose of exchanging personal data referred to in Articles 87-89 in accordance with Commission Decision (EU, Euratom) 2015/444, Commission Decision (EU, Euratom) 2015/443 and [Regulation (EC) No 45/2001].</del>	<del>The Agency shall develop, deploy and operate information systems and software applications allowing for the exchange of classified and sensitive non-classified information for the purpose of return within the European Border and Coast Guard and for the purpose of exchanging personal data referred to in Articles 87-89 in accordance with Commission Decision (EU, Euratom) 2015/444, Commission Decision (EU, Euratom) 2015/443 and [Regulation (EC) No 45/2001].</del>
692	In particular, the Agency shall set up, operate and maintain a central system for processing all information and data, automatically communicated by	In particular, the Agency shall <del>set up,</del> operate and maintain <b>IRMA as a central platform system</b> for processing all information and data,	1. <del>In particular,</del> <u>The Agency shall set up, operate and maintain an <b>central information exchange system</b>, in accordance with Article 49(1)(d),</u>	<u>Rapporteur proposal: (new provisions or changes are underlined)</u>

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	the Member States' national return management systems, necessary for the Agency to provide technical and operational assistance in accordance with Article 49.	<del>automatically</del> -communicated by the Member States' national return management systems, necessary for the Agency to provide technical and operational assistance in accordance with <del>Article 49</del> <b>Articles 49, 51 and 54</b> .	for processing <u>all operational data and information, as well as personal data,</u> <del>automatically</del> communicated by the Member States' national return management systems, necessary for the Agency to provide technical and operational assistance <del>in accordance with Article 49</del> . <sup>1</sup> <u>Such personal data shall only include:</u>	<del>1. In particular, the Agency shall set up, operate and further develop an integrated return management platform and maintain a central system, in accordance with Article 49(1)(d), for processing all information, including personal data,</del> <del>automatically</del> communicated by the Member States' national return management systems, necessary for the Agency to provide technical and operational assistance <del>in accordance with Article 49</del> . <sup>2</sup> <b><i>The personal data shall <u>may only include</u>:</i></b>
693			(a) <u>for the purpose of the Agency to provide assistance in confirming the identity and nationality of third-country nationals, biographic or biometric data, including all types of documents which can be considered as proof or prima facie evidence of nationality;</u>	<del>(a) — biographic or biometric data including all types of documents which can be considered as proof or prima facie evidence of nationality, if the transmission of such personal data is necessary for the purpose of the Agency to provide assistance in confirming the identity and nationality of third-country nationals in individual cases and at the request of Member State. Such data shall be erased from the</del>

<sup>1</sup> New recital added as 10a.

<sup>2</sup> New recital added as 10a.

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				<i>platform following successful confirmation of the identity or when no confirmation can be obtained within three months;</i>
694			(b) <u>for the purposes of the Agency assisting in the coordination or organisation of return operations to third countries, irrespective of the means of transport, biographic data or passenger lists;</u>	<i>(b) — biographic data or passenger lists if the transmission of such data is necessary for the purposes of the Agency assisting in the coordination or organisation of return operations to third countries, irrespective of the means of transport. Such data shall be transmitted to the platform only when a decision to launch a return operation has been taken, and shall be erased as soon as the operation is terminated. <u>Personal data shall only be communicated to the platform where it cannot be accessed by members of teams in accordance with Regulation (EU) 2018/1860 on the use of the Schengen Information System for the return of illegally staying third-country nationals or Regulation xxx/xxx (new Eurodac).</u></i>

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				<p><i>The platform may also be used by the Agency for the purpose of secure transmission of biographic or biometric data including all types of documents which can be considered as proof or prima facie evidence of the nationality of third country nationals subject to return decisions, if the transmission of such personal data is necessary for the purpose of the Agency to provide assistance in confirming the identity and nationality of third-country nationals in individual cases and at the request of Member State. Such data shall not be stored on the platform and shall be deleted immediately following a confirmation of receipt.</i></p> <p><b>Addition in recital 70:</b>  (70) The assistance to Member States in carrying out return procedures should include the provision of practical information on third countries of return relevant for the implementation of this Regulation, such as the provision of</p>

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				<p>contact details or other logistical information necessary for the smooth <i>and dignified</i> conduct of return operations. The assistance should also include <del>setting up, operating and maintaining a central system</del> <i>the operation and maintenance of a platform for the exchange of data and the existing Integrated Return Management Application (IRMA) which is already managed by the Agency as a platform</i> for processing <del>all information and data</del> necessary for the Agency to provide technical and operational assistance in accordance with the Regulation. <i>The platform should have a communication infrastructure enabling automated transmission of <del>S</del>statistical data <del>only</del> should be automatically communicated by the Member States' national return management systems.</i></p>
695			<p><u>2. The Agency shall also develop, deploy and operate software applications allowing for the exchange of information for the purpose of return within the European Border and Coast Guard, as well as with the authorities of third countries, or international organisations, in accordance with</u></p>	<p><b><i>To be revisited</i></b>  <b><i>2. The Agency may also develop and manage software applications allowing for the exchange of information, including personal data, for the purpose of return within the European Border and Coast Guard, as well as with the authorities of third countries*, or</i></b></p>

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			<u>Commission Decision (EU, Euratom) 2015/444, and Commission Decision (EU, Euratom) 2015/443.</u>	<i>international organisations, in accordance with Commission Decision (EU, Euratom) 2015/444, and Commission Decision (EU, Euratom) 2015/443.</i>  <i>* see line 672</i>  <b>EP has major issues with this Paragraph.</b>
696			<u>3. The software applications may also allow for exchange of personal data, where such exchange is necessary for the purposes defined in Article 88(b), in accordance with the provisions in Article 87 to 89.</u>	Deleted (personal data moved to para 2)
697			<u>4. Personal data shall be exchanged in accordance with Articles 87 and 89, as applicable.<sup>3</sup></u>	<i>3. Personal data shall be processed in accordance with Articles 87, 88 and 89, as applicable.<sup>4</sup></i>
698	Article 51	Article 51	Article 51	Article 51
699	Return operations	Return operations	Return operations	Return operations

<sup>3</sup> Proposed deletion due to the fact that data retention and deletion is clearly regulated in the General Data Protection Regulation applicable to the EU institutions and agencies.

<sup>4</sup> Proposed deletion due to the fact that data retention and deletion is clearly regulated in the General Data Protection Regulation applicable to the EU institutions and agencies.

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700	<p>1. Without entering into the merits of return decisions, the Agency shall provide technical and operational assistance and ensure the coordination or the organisation of return operations, including through the chartering of aircraft for the purpose of such operations or organising returns on scheduled flights. The Agency may, on its own initiative coordinate or organise return operations.</p>	<p>1. Without entering into the merits of return decisions <b><i>which remain the sole responsibility of the Member States</i></b>, the Agency shall provide technical and operational assistance and ensure the coordination or the organisation <b><i>to be able to carry out</i></b> of return operations, <del>including through the chartering of aircraft for the purpose of such operations or organising returns on scheduled flights.</del> The Agency may, on its own initiative <b><i>with the agreement of the Member State concerned</i></b> coordinate or organise return operations <b><i>in accordance with Article 7(2)</i></b>.</p>	<p>1. Without entering into the merits of return decisions, the Agency shall provide technical and operational assistance and ensure the coordination or the organisation of return operations, including through the chartering of aircraft for the purpose of such operations or organising returns on scheduled flights. The Agency may, on its own initiative, <u>in accordance with Article 49-1</u>, coordinate or organise return operations.</p>	<p>1. Without entering into the merits of return decisions, the Agency shall provide technical and operational assistance and ensure the coordination or the organisation of return operations, including through the chartering of aircraft for the purpose of such operations, <del>or</del> organising returns on scheduled flights <b><i>or through other means of transport</i></b>. The Agency may, on its own initiative <b><i>with the agreement of the Member State concerned</i></b> coordinate or organise return operations.</p>
701		<p><b><i>When the Agency provides technical and operational assistance to Member States in organising the return of returnees, the Agency, through its coordinating officer, shall verify that all third-country nationals embarking on flights organised or coordinated by the Agency have received a final return decision. Member States shall transmit to the Agency a copy of the return decision in respect of any returnee who is to be returned with</i></b></p>		<p>Moved to paragraph 2</p>

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		<i>the technical and operational assistance of the Agency.</i>		
702		<b><i>The Agency shall not coordinate, organise or propose return operations to third countries where risks of fundamental rights violations or serious deficiencies in relevant civil and criminal law systems and procedures have been identified. This shall be determined, amongst other, on the basis of verified reports by the fundamental rights officer.</i></b>		To be discussed with article 47
703	2. Member States shall on a monthly basis provide operational data on return necessary for the assessment of return needs by the Agency and inform the Agency of their indicative planning of the number of returnees and of the third countries of return, both with respect to relevant national return operations, and of their needs for assistance or coordination by the Agency. The Agency shall draw up and maintain a rolling operational plan to provide the requesting Member States with the necessary operational assistance and reinforcements, including through technical equipment. The Agency may, on its own initiative or	2. Member States shall, <b><i>through the system referred to in Article 50(1),</i></b> <del>on a monthly basis</del> provide operational data on return necessary for the assessment of return needs by the Agency and inform the Agency of their indicative planning of the number of returnees and of the third countries of return, both with respect to relevant national return operations, and of their needs for assistance or coordination by the Agency. The Agency shall draw up and maintain a rolling operational plan to provide the requesting Member States with the necessary operational assistance and reinforcements, including through	2. Member States shall by use of the system referred to in Article 50(1) <del>on a monthly basis</del> provide operational data on return necessary for the assessment of return needs by the Agency and inform the Agency of their indicative planning of the number of returnees and of the third countries of return, both with respect to relevant national return operations, and of their needs for assistance or coordination by the Agency. The Agency shall draw up and maintain a rolling operational plan to provide the requesting Member States with the necessary operational assistance and reinforcements, including through technical equipment. The	2. Member States shall <del>on a monthly basis</del> <b><i>through the platform referred to in Article 50(1),</i></b> provide operational data on return necessary for the assessment of return needs by the Agency and inform the Agency of their indicative planning of the number of returnees and of the third countries of return, both with respect to relevant national return operations, and of their needs for assistance or coordination by the Agency. The Agency shall draw up and maintain a rolling operational plan to provide the requesting Member States with the necessary operational assistance and reinforcements, including through technical equipment. The



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	<p>at the request of a Member State, include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on a needs assessment. The management board shall decide, on a proposal of the executive director, on the modus operandi of the rolling operational plan.</p>	<p>technical equipment. The Agency may, on its own initiative <b><i>with the agreement of the Member State concerned and in accordance with Article 7(2)</i></b> or at the request of a Member State, include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on a needs assessment. The management board shall decide, on a proposal of the executive director, on the modus operandi of the rolling operational plan. <b><i>The Agency, through its coordinating officer, shall verify whether all returnees embarked on return flights organised or coordinated by the Agency, have received a final return decision in accordance with Directive 2008/115/EC.</i></b></p>	<p>Agency may, on its own initiative in accordance with Article <del>7(2)</del>49-1 or at the request of a Member State, include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on a needs assessment. The management board shall decide, on a proposal of the executive director, on the modus operandi of the rolling operational plan.</p>	<p>Agency may, on its own initiative <b><i>with the agreement of the Member State concerned</i></b> or at the request of a Member State, include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on a needs assessment. The management board shall decide, on a proposal of the executive director, on the modus operandi of the rolling operational plan. <b><i>The Agency shall receive confirmation from the Member State concerned that all returnees covered by a return operation organised or coordinated by the Agency have received a return decision which is enforceable.</i></b></p> <p><b><u>Where teams referred to in Article 2(18) are deployed they shall, prior to the return of any returnee, consult the SIS in order to check whether the return decision has been suspended or the enforcement of the return decision has been postponed.</u></b></p>

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704		<i>Operational plans for all return operations and interventions supported and coordinated by the Agency shall be agreed between, and be binding upon, the Agency, the participating Member States and participating third countries in all return operations and return interventions, on the proposal of the executive director. Operational plans shall cover all aspects necessary for carrying out the return operation, including inter alia, procedures for monitoring, reporting and the complaints mechanism, and detailed provisions on the implementation of fundamental rights and rule of law safeguards, with reference to relevant standards and codes of conduct.</i>		<i>The rolling operational plan shall contain elements necessary for carrying out a return operation, including those concerning to the respect of fundamental rights, with reference to relevant codes of conduct, as well as references to inter alia procedures for monitoring, reporting and the complaints mechanism.</i>
705	3. The Agency may provide technical and operational assistance and, either at the request of the participating Member States or on its own initiative, ensure the coordination or the organisation of return operations for which the means of transport and forced-return escorts are provided by a third country of return ('collecting return	3. The Agency may provide technical and operational assistance and <i>may also</i> , either at the request of the participating Member States or on its own initiative <i>with the agreement of the Member State concerned and in accordance with Article 7(2)</i> , ensure the coordination or the organisation of return operations for which the means of transport and	3. The Agency may provide technical and operational assistance and, either at the request of the participating Member States or on its own initiative in accordance with Article <del>7(2)</del> 49-1, may also ensure the coordination or the organisation of return operations for which the means of transport and forced-return escorts are provided by a third	3. The Agency may provide technical and operational assistance and <i>may also</i> , either at the request of the participating Member States or on its own initiative <i>with the agreement of the Member State concerned</i> , ensure the coordination or the organisation of return operations for which the means of transport and forced-return escorts are provided by

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	operations’). The participating Member States and the Agency shall ensure that the respect for fundamental rights, the principle of non-refoulement, and the proportionate use of means of constraints are guaranteed during the entire return operation. At least one Member State representative, and one forced-return monitor from the pool established under Article 52 or from the national monitoring system of the participating Member State, shall be present throughout the entire return operation until arrival at the third country of return.	forced-return escorts are provided by a third country of return (‘collecting return operations’). The participating Member States and the Agency shall ensure that the respect for fundamental rights, the principle of non-refoulement, <del>and</del> the proportionate use of means of constraints <i>and the dignity of the returnee</i> are guaranteed during the entire return operation. At least one Member State representative, and one forced-return monitor from the pool established under Article 52 or from the national monitoring system of the participating Member State, shall be present throughout the entire return operation until arrival at the third country of return.	country of return (‘collecting return operations’). The participating Member States and the Agency shall ensure that the respect for fundamental rights, the principle of non-refoulement, and the proportionate use of means of constraints are guaranteed during the entire return operation. At least one Member State representative, and one forced-return monitor from the pool established under Article 52 or from the national monitoring system of the participating Member State, shall be present throughout the entire return operation until arrival at the third country of return.	a third country of return (‘collecting return operations’). The participating Member States and the Agency shall ensure that the respect for fundamental rights, the principle of non-refoulement, <del>and</del> the proportionate use of means of constraints <i>and the dignity of the returnee</i> are guaranteed during the entire return operation. At least one Member State representative, and one forced-return monitor from the pool established under Article 52 or from the national monitoring system of the participating Member State, shall be present throughout the entire return operation until arrival at the third country of return.
706	4. The executive director shall draw up a return plan without delay for collecting return operations. The executive director and any participating Member State shall agree on the plan detailing the organisational and procedural aspects of the collecting return operation, taking account of the fundamental rights implications and risks of such operations. Any amendment to or	4. The executive director shall draw up a return plan without delay for collecting return operations. The executive director and any participating Member State shall agree on the plan detailing the organisational and procedural aspects of the collecting return operation, taking account of the fundamental rights implications and risks of such operations. Any amendment to or	4. The executive director shall draw up a return plan without delay for collecting return operations. The executive director and any participating Member State shall agree on the plan detailing the organisational and procedural aspects of the collecting return operation, taking account of the fundamental rights implications and risks of such operations. Any amendment to or	4. The executive director shall draw up a return plan without delay for collecting return operations. The executive director and any participating Member State shall agree on the plan detailing the organisational and procedural aspects of the collecting return operation, taking account of the fundamental rights implications and risks of such operations. Any amendment to or

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	adaptation of this plan shall require the agreement of the parties referred to in paragraph 3 and in this paragraph.	adaptation of this plan shall require the agreement of the parties referred to in paragraph 3 and in this paragraph.	adaptation of this plan shall require the agreement of the parties referred to in paragraph 3 and in this paragraph.	adaptation of this plan shall require the agreement of the parties referred to in paragraph 3 and in this paragraph.
707	5. The return plan of collecting return operations shall be binding on the Agency and any participating Member State. It shall cover all the necessary steps for carrying out the collecting return operation.	5. The return plan of collecting return operations shall be binding on the Agency and any participating Member State. It shall cover all the necessary steps for carrying out the collecting return operation.	<del>5.</del> The return plan of collecting return operations shall be binding on the Agency and any participating Member State. It shall cover all the necessary steps for carrying out the collecting return operation.	<del>5.</del> The return plan of collecting return operations shall be binding on the Agency and any participating Member State. It shall cover all the necessary steps for carrying out the collecting return operation.
708	Every return operation shall be monitored in accordance with Article 8(6) of Directive 2008/115/EC. The monitoring of forced-return operations shall be carried out by the forced-return monitor on the basis of objective and transparent criteria and shall cover the whole return operation from the pre-departure phase until the hand-over of the returnees in the third country of return. The forced-return monitor shall submit a report on each forced-return operation to the executive director, the fundamental rights officer and to the competent national authorities of all the Member States involved in the given operation. If necessary, appropriate follow-up	Every return operation shall be monitored in accordance with Article 8(6) of Directive 2008/115/EC. The monitoring of forced-return operations shall be carried out by the forced-return monitor on the basis of objective and transparent criteria and shall cover the whole return operation from the pre-departure phase until the hand-over <i>handover</i> of the returnees in the third country of return. The forced-return monitor shall submit a report on each forced-return operation to the executive director, the fundamental rights officer, <del>and</del> to the competent national authorities of all the Member States involved in the given operation, <i>and where necessary, to the European</i>	<del>5. Every r</del> Return operations <u>organised or coordinated by the Agency</u> shall be monitored in accordance with Article 8(6) of Directive 2008/115/EC. <del>The monitoring of forced return operations shall be carried out by the forced return monitor on the basis of objective and transparent criteria and shall cover the whole return operation from the pre-departure phase until the hand-over of the returnees in the third country of return.</del> The forced-return monitor shall submit a report on each monitored forced-return operation to the executive director, the fundamental rights officer and to the competent national authorities of all	5. Every return operation <i>organised or coordinated by the Agency</i> shall be monitored in accordance with Article 8(6) of Directive 2008/115/EC. The monitoring of forced-return operations shall be carried out by the forced-return monitor on the basis of objective and transparent criteria and shall cover the whole return operation from the pre-departure phase until the handover of the returnees in the third country of return. The forced-return monitor shall submit a report on each forced-return operation to the executive director, the fundamental rights officer and to the competent national authorities of all the Member States involved in the given

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	shall be ensured by the executive director and competent national authorities respectively.	<i>Ombudsman</i> . If necessary, appropriate follow-up shall be ensured by the executive director and competent national authorities respectively.	the Member States involved in the given operation. If necessary, appropriate follow-up shall be ensured by the executive director and competent national authorities respectively.	operation. If necessary, appropriate follow-up shall be ensured by the executive director and competent national authorities respectively.  <i>Art. 114 a</i> <i>Administrative inquiries</i> <i>The activities of the European Border and Coast Guard and the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 TFEU.</i>
709	If the Agency has concerns regarding the respect of fundamental rights during a return operation, it shall communicate them to the participating Member States and to the Commission.	If the Agency has concerns regarding the respect of fundamental rights <i>of</i> during a return operation, it shall communicate them to the participating Member States, <del>and</del> to the Commission, <i>to the European Union Agency for Fundamental Rights, and where necessary, to the European Ombudsman.</i>	<u>5a.</u> If the Agency has concerns regarding the respect of fundamental rights during a return operation, it shall communicate them to the participating Member States and to the Commission.	<u>5a.</u> If the Agency has concerns regarding the respect of fundamental rights during <i>any stage all-phases of</i> a return operation, it shall communicate them to the participating Member States and to the Commission.
710	6. The executive director shall evaluate the results of the return operations and shall transmit every six months a detailed evaluation report covering all return operations conducted in the previous semester to	6. The executive director shall evaluate the results of the return operations <del>and shall</del> <i>and shall</i> transmit every six months a detailed evaluation report covering all return operations conducted in the previous	6. The executive director shall evaluate the results of the return operations and shall transmit every six months a detailed evaluation report covering all return operations conducted in the previous semester to	6. The executive director shall evaluate the results of the return operations <del>and shall</del> <i>and shall</i> transmit every six months a detailed evaluation report covering all return operations conducted in the previous

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	the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.	semester to <i>the European Parliament, to the Council, to the Commission and to</i> the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.	the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.	semester to <b>the European Parliament, to the Council, to the Commission and to</b> the management board, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.  <b>Subject to confirmation in trilogue</b>
711	7. The Agency shall finance or co-finance return operations from its budget, in accordance with the financial rules applicable to the Agency, giving priority to those conducted by more than one Member State, or from hotspot areas or controlled centres.	7. The Agency shall finance or <del>co-finance</del> return operations from its budget, in accordance with the financial rules applicable to the Agency, giving priority to those conducted by more than one Member State, or from hotspot areas <del>or controlled centres.</del>	7. The Agency shall finance or co-finance return operations from its budget, in accordance with the financial rules applicable to the Agency, giving priority to those conducted by more than one Member State, or from hotspot areas <del>or</del> <u>controlled centres.</u>	7. The Agency shall finance or co-finance return operations from its budget, in accordance with the financial rules applicable to the Agency, giving priority to those conducted by more than one Member State, or from hotspot areas <del>or</del> <u>controlled centres.</u>
712	Article 52		Article 52	Article 52
713	Pool of forced-return monitors	Pool of forced-return monitors	Pool of forced-return monitors	Pool of forced-return monitors
714	1. The Agency shall, after consulting the fundamental rights officer, constitute a pool of forced-	1. The Agency shall, after <b>taking due account to the recommendation by</b> consulting the	1. The Agency shall, after consulting the fundamental rights officer, constitute a pool of forced-	1. The Agency shall, after <del>consulting the</del> <b>taking due account of the opinion of the</b> fundamental rights

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	return monitors from competent bodies who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC and who have been trained in accordance with Article 62 of this Regulation.	fundamental rights officer, constitute a pool of forced-return monitors <i>as part of the European Border and Coast Guard standing corps referred to in Article 55 and</i> from competent bodies who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC and who have been trained in accordance with Article 62 of this Regulation. <i>The forced-return monitors shall report to the Agency, including its fundamental rights officer.</i>	return monitors from competent bodies from the Member States who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC and who have been trained in accordance with Article 62 of this Regulation.	officer, constitute a pool of forced-return monitors from competent bodies from the Member States who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC and who have been trained in accordance with Article 62 of this Regulation.
715	2. The management board shall, on a proposal of the executive director determine the profile and the number of forced-return monitors to be made available to that pool. The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers. Member States shall be responsible for contributing to the pool by nominating forced-return monitors corresponding to the defined profile. Forced-return monitors with specific expertise in child protection shall be included in the pool.	2. The management board shall, on a proposal of the executive director, <i>and in cooperation with the Fundamental Rights Agency,</i> determine the profile and the number of forced-return monitors to be made available to that pool, <i>taking into account the number of return specialists and forced-return escorts available to the Agency to assist in return operations and interventions.</i> The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers. Member States shall be responsible for contributing to the pool by nominating forced-return monitors	2. The management board shall, on a proposal of the executive director determine the profile and the number of forced-return monitors to be made available to that pool. The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers. Member States shall be responsible for contributing to the pool by nominating forced-return monitors corresponding to the defined profile, <u>without prejudice to the independence, if such is the case, of these monitors under national law.</u> Forced-return monitors with specific	2. The management board shall, on a proposal of the executive director determine the profile and the number of forced-return monitors to be made available to that pool. The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers. Member States shall be responsible for contributing to the pool by nominating forced-return monitors corresponding to the defined profile, <i>without prejudice to the independence, if such is the case, of these monitors under national law.</i> <i>The Agency shall also contribute to the pool with its fundamental rights</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		corresponding to the defined profile. Forced-return monitors with specific expertise in child protection shall be included in the pool.	expertise in child protection shall be included in the pool.	<i>monitors as referred to in Article 56a.</i> Forced-return monitors with specific expertise in child protection shall be included in the pool.
716	3. Member States' contribution of forced-return monitors to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the forced-return monitors available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in case of a rapid return intervention.	3. Member States' contribution of forced-return monitors to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the forced-return monitors available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in case of a rapid return intervention.	3. Member States' contribution of forced-return monitors to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the forced-return monitors available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in case of a rapid return intervention.	3. Member States' contribution of forced-return monitors to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the forced-return monitors available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in case of a rapid return intervention.
717	4. The Agency shall make the forced-return monitors available upon request to participating Member States to monitor, on their behalf, the correct implementation of the return operation and return interventions throughout their duration. It shall	4. The Agency shall make the forced-return monitors available upon request to participating Member States to monitor, on their behalf, the correct implementation of the return operation and return interventions throughout their duration. It shall	4. The Agency shall make the forced-return monitors available upon request to participating Member States to monitor, on their behalf, the correct implementation of the return operation and return interventions throughout their duration. It shall	4. The Agency shall make the forced-return monitors available upon request to participating Member States to monitor, on their behalf, the correct implementation of the return operation and return interventions throughout their duration. It shall



	Commission proposal	EP amendments	Council position	Compromise text proposals
	make available forced-return monitors with specific expertise in child protection for any return operation involving children.	make available forced-return monitors with specific expertise in child protection for any return operation involving children.	make available forced-return monitors with specific expertise in child protection for any return operation involving children.	make available forced-return monitors with specific expertise in child protection for any return operation involving children.
718	5. Forced-return monitors shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention.	5. Forced-return monitors shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention.	5. Forced-return monitors shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention.	5. Forced-return monitors shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention. <u><i>In accordance with Article 94 staff of the Agency deployed as forced return monitor are subject to the disciplinary measures provided for in the staff regulations.</i></u>
719		<i>After the pool of forced-return monitors is constituted by the Agency, following the determination of the profile and the number of forced-return monitors, the Agency shall entrust the Council of Europe and its forced-return monitors within its Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to conduct spot-checks on a selected sample of a maximum of 20 per cent of return operations carried out or facilitated by the Agency. The Council of Europe's forced return monitors shall compile a report following</i>		<i>The Agency shall allow, subject to an agreement of the Member State concerned, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe to conduct visits to return operations carried out by it. The Agency may propose to the CPT to agree on practical modalities for such visits in a working arrangement.</i>  <i>The Agency shall cooperate with the Fundamental Rights Agency in the evaluation of the functioning of the pool of forced return monitors and</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>each spot- check. The Council of Europe shall compile an annual evaluation report from the information collected which shall be communicated to the executive director, the Agency's management board, the fundamental rights officer and the consultative forum, the European Parliament, the Council and the Commission. The Council of Europe shall receive an adequate funding from the Agency on an annual basis to evaluate the Agency's pool of forced-return monitors. The results of the annual evaluation report shall be taken into account in the evaluation of this Regulation in accordance with Article 116.</i>		<i>when defining the profiles of the monitors. It shall report about the work of the forced return monitors in its annual report.</i>
720 t i o n		<i>No forced return shall be carried out or facilitated by the Agency before its pool of forced-return monitors is fully constituted and ready for deployment.</i>		
721	Article 53		Article 53	Article 53
722	Return teams	Return teams	Return teams	Return teams

	Commission proposal	EP amendments	Council position	Compromise text proposals
723	1. The Agency may deploy return teams either at the request of a Member State or on its own initiative, during return interventions, in the framework of migration management teams or as necessary to provide additional technical and operational assistance in the area of return, including where such challenges are linked to large inward mixed migratory flows or taking in third-country nationals rescued at sea.	1. The Agency may deploy return teams, <b><i>that also consist of officers with specific expertise in child protection</i></b> , either at the request of a Member State, or on its own initiative <b><i>with the agreement of the Member State concerned</i></b> , during return interventions, in the framework of migration management teams or as necessary to provide additional technical and operational assistance in the area of return, <del>including where such challenges are linked to large inward mixed migratory flows or taking in third-country nationals rescued at sea.</del> <b><i>Only border guards, experts and staff who have received training in accordance with Article 62 shall be deployed to an activity by the Agency.</i></b>	1. The Agency may deploy return teams either at the request of a Member State or on its own initiative, <u>in accordance with Article 49-1</u> , during return interventions, in the framework of migration management teams or as necessary to provide additional technical and operational assistance in the area of return, including where such challenges are linked to <u>migratory pressure</u> , large inward mixed migratory flows or <del>taking in</del> third-country nationals rescued at sea.	1. The Agency may deploy return teams, <b><i>that also consist of officers with specific expertise in child protection where necessary</i></b> , either at the request of a Member State or on its own initiative <b><i>with the agreement of the Member State concerned</i></b> , during return interventions, in the framework of migration management teams or as necessary to provide additional technical and operational assistance in the area of return, <del>including where such challenges are linked to large inward mixed migratory flows or taking in third-country nationals rescued at sea.</del>
724	2. Article 41(2),(3),(4) and (5), and Articles 44, 45 and 46 shall apply mutatis mutandis to the European return teams.	2. Article 41(2),(3),(4) and (5), and Articles 44, 45 and 46 shall apply mutatis mutandis to the European return teams.	2. Article 41(2),(3),(4) and (5), and Articles 44, 45 and 46 shall apply mutatis mutandis to the European return teams.	2. Article 41(2),(3),(4) and (5), and Articles 44, 45 and 46 shall apply mutatis mutandis to the <del>European</del> return teams.
725	Article 54		Article 54	Article 54

	Commission proposal	EP amendments	Council position	Compromise text proposals
726	Return interventions	Return interventions	Return interventions	Return interventions
727	<p>1. In circumstances where a Member State is facing a burden when implementing the obligation to return third-country nationals who are the subject of return decisions issued by a Member State, the Agency shall, either on its own initiative or upon request of that Member State, provide the appropriate technical and operational assistance in the form of a return intervention. Such intervention may consist of the deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State.</p>	<p>1. In circumstances where a Member State is facing a burden when implementing the obligation to return <del>third-country nationals</del> <b>returnees</b> who are the subject of <del>return decisions issued by a Member State</del>, the Agency shall, either on its own initiative <b>with the agreement of the Member State concerned</b> or upon request of that Member State, provide the appropriate technical and operational assistance in the form of a return intervention . Such intervention may consist of the deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State. <b>At least a Member State representative and a forced-return monitor from the pool established under Article 51 shall be present throughout the entire return intervention until arrival at the third country of return.</b></p>	<p>1. In circumstances where a Member State is facing a burden when implementing the obligation to return third-country nationals who are the subject of return decisions issued by a Member State, the Agency shall, either on its own initiative, <u>in accordance with Article 49-1</u>, or upon request of that Member State, provide the appropriate technical and operational assistance in the form of a return intervention. Such intervention may consist of the deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State.</p>	<p>1. In circumstances where a Member State is facing a burden when implementing the obligation to return <b>returnees</b> <del>third-country nationals</del> who are the subject of <del>return decisions issued by a Member State</del>, the Agency shall, either on its own initiative <b>with the agreement of the Member State concerned</b> or upon request of that Member State, provide the appropriate technical and operational assistance in the form of a return intervention. Such intervention may consist of the deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State.</p> <p><b>The provisions of Article 51 shall apply also to return operations organised or coordinated by the Agency in the framework of return interventions.</b></p>
728	<p>2. The Agency may also launch return interventions in third</p>	<p>2. The Agency may also launch return interventions in third</p>	<p>2. The Agency may also launch return interventions in third</p>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	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.	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.	countries, based on the directions set out in the multiannual strategic policy cycle <u>in accordance to Article 74(2)</u> , 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.	
729	3. In circumstances where a Member State is facing specific and disproportionate challenges when implementing its obligation to return third-country nationals who are the subject of return decisions, the Agency shall, either on its own initiative or upon the request of that Member State, provide the appropriate technical and operational assistance in the form of a rapid return intervention. A rapid return intervention may consist in the rapid deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State.	3. In circumstances where a Member State is facing specific and disproportionate challenges when implementing its obligation to return <del>third-country nationals</del> <i>returnees</i> who are the subject of return decisions, the Agency shall, either on its own initiative <i>with the agreement of the Member State concerned</i> or upon the request of that Member State, <i>and following an assessment of fundamental rights and rule of law situation in the Member State concerned</i> , provide the appropriate technical and operational assistance in the form of a rapid return intervention. A rapid return intervention may consist in the rapid deployment of return teams to the	3. In circumstances where a Member State is facing specific and disproportionate challenges when implementing its obligation to return third-country nationals who are the subject of return decisions, the Agency shall, either on its own initiative, <u>in accordance with Article 49-1</u> , or upon the request of that Member State, provide the appropriate technical and operational assistance in the form of a rapid return intervention. A rapid return intervention may consist in the rapid deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the	3. In circumstances where a Member State is facing specific and disproportionate challenges when implementing its obligation to return <del>third-country nationals who are the subject of return decisions</del> <i>returnees</i> , the Agency shall, either on its own initiative <i>with the agreement of the Member State concerned</i> or upon the request of that Member State, provide the appropriate technical and operational assistance in the form of a rapid return intervention. A rapid return intervention may consist in the rapid deployment of return teams to the host Member State providing assistance in the implementation of return procedures and the

	Commission proposal	EP amendments	Council position	Compromise text proposals
		host Member State providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State. <i>At least a Member State representative and a forced-return monitor from the pool established under Article 51 shall be present throughout the entire return intervention until arrival at the third country of return.</i>	organisation of return operations from the host Member State.	organisation of return operations from the host Member State.  <b>, and following an assessment of fundamental rights and rule of law situation in the Member State concerned, *</b>  <b>* To be discussed with article 47 (include notion of not launching a return operation)</b>
<b>730</b>	4. In the context of a return intervention, the executive director shall draw up an operational plan without delay, in agreement with the host Member State and the participating Member States. The relevant provisions of Article 39 shall apply.	4. In the context of a return intervention, the executive director shall draw up an operational plan without delay, in agreement with the host Member State and the participating Member States. The relevant provisions of Article 39 shall apply.	4. In the context of a return intervention, the executive director shall draw up an operational plan without delay, in agreement with the host Member State and the participating Member States. The relevant provisions of Article 39 shall apply.	4. In the context of a return intervention, the executive director shall draw up an operational plan without delay, in agreement with the host Member State and the participating Member States. The relevant provisions of Article 39 shall apply.
<b>731</b>	5. The executive director shall take a decision on the operational plan as soon as possible and, in the case referred to in paragraph 2, within five working days. The decision shall be immediately notified, in writing, to the Member States concerned and to the management board.	5. The executive director shall take a decision on the operational plan as soon as possible and, in the case referred to in paragraph 2, within five working days. The decision shall be immediately notified, in writing, to the Member States concerned and to the management board.	5. The executive director shall take a decision on the operational plan as soon as possible and, in the case referred to in paragraph 2, within five working days. The decision shall be immediately notified, in writing, to the Member States concerned and to the management board.	5. The executive director shall take a decision on the operational plan as soon as possible and, in the case referred to in paragraph 2, within five working days. The decision shall be immediately notified, in writing, to the Member States concerned and to the management board.

	Commission proposal	EP amendments	Council position	Compromise text proposals
732	6. The Agency shall finance or co-finance return interventions from its budget in accordance with the financial rules applicable to the Agency.	6. The Agency shall finance or co-finance return interventions from its budget in accordance with the financial rules applicable to the Agency.	6. The Agency shall finance or co-finance return interventions from its budget in accordance with the financial rules applicable to the Agency.	Verify the impact of the EP amendment Important to keep the flexibility provided for by this par.
733	Section 9		Section 9	Section 9
734	Capabilities		Capabilities	Capabilities
735	Article 55		Article 55	Article 55
736	European Border and Coast Guard standing corps	European Border and Coast Guard standing corps	European Border and Coast Guard standing corps	European Border and Coast Guard standing corps
737	1. A European Border and Coast Guard standing corps of 10 000 operational staff shall be part of the Agency. This standing corps shall be composed of the following three categories of staff in accordance with the annual availability scheme set in Annex I:	1. A European Border and Coast Guard standing corps of 10 000 operational staff shall be part of the Agency. This standing corps shall be composed of the following <del>three</del> <b>four</b> categories of staff in accordance with the annual availability scheme set in Annex I:	1. A European Border and Coast Guard standing corps <u>having the capacity as defined in Annex I</u> of <del>10 000 operational staff</del> shall be part of the Agency. This standing corps shall be composed of the following three categories of staff in accordance with the annual availability scheme set in Annex I:	1. A European Border and Coast Guard standing corps <b>having the capacity as defined in Annex I</b> of <del>10 000 operational staff</del> shall be part of the Agency. This standing corps shall be composed of the following <del>three</del> <b>four</b> categories of staff in accordance with the annual availability scheme set in Annex I:
738	(a) Category 1: operational staff members of the Agency recruited in accordance with Article 94 (1) and deployed in operational areas in accordance with Article 56;	(a) Category 1: operational staff members of the Agency recruited in accordance with Article 94 (1) and deployed in operational areas in accordance with Article 56;	(a) Category 1: operational staff members of the Agency <del>recruited</del> <u>employed</u> in accordance with Article 94 (1) and deployed <u>as team members</u> in operational areas in accordance with Article 56, <u>as well as staff responsible for the</u>	(a) Category 1: operational staff members of the Agency <del>recruited</del> <b>employed</b> in accordance with Article 94 (1) and deployed <b>as team members</b> in operational areas in accordance with Article 56, <b>as well as staff responsible for the</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
			<u>functioning of the ETIAS Central Unit;</u>	<i>functioning of the ETIAS Central Unit;</i>
739	(b) Category 2: operational staff seconded from Member States to the Agency for a long term duration as part of the standing corps; in accordance with Article 57;	(b) Category 2: operational staff seconded from Member States to the Agency for a long term duration as part of the standing corps; in accordance with Article 57;	(b) Category 2: operational staff seconded from Member States to the Agency for a long term duration as part of the standing corps; in accordance with Article 57;	(b) Category 2: operational staff seconded from Member States to the Agency for a long term duration as part of the standing corps; in accordance with Article 57;
740	(c) Category 3: operational staff from Member States provided to the Agency for a short term deployment as part of the standing corps in accordance with Article 58.	(c) Category 3: operational staff from Member States provided to the Agency for a short term deployment as part of the standing corps in accordance with Article 58.	(c) Category 3: operational staff from Member States <u>ready to be</u> provided to the Agency for a short term deployment as part of the standing corps in accordance with Article 58.	(c) Category 3: operational staff from Member States <i>ready to be</i> provided to the Agency for a short term deployment as part of the standing corps in accordance with Article 58.
741		<i>(c a) Category 4: a rapid reaction pool consisting of operational staff from the Member States to be deployed for the purpose of rapid border interventions in accordance with Article 58a</i>		<i>(c a) Category 4: the <b>Reserve for Rapid Reaction Pool</b>—consisting of operational staff from the Member States ready to be deployed for the purpose of rapid border interventions in accordance with Articles 40 and 58a.</i> New name to be confirmed in Trilogue
742	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	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, <i>including forced-return</i>	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	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



	Commission proposal	EP amendments	Council position	Compromise text proposals
	or return interventions or any other relevant operational activities in the Member States or in third countries.	<i>monitors</i> , rapid border interventions or return interventions or any other relevant operational activities in the Member States or in third countries. <b><i>The Agency and the Member State concerned shall ensure that no operational overlap is created.</i></b>	or return interventions or any other relevant operational activities in the Member States or in third countries. <u>In accordance with Article 83, such activities can only be carried out with the authorisation of the Member State or the third country concerned.</u> <u>The actual size of the deployments of the standing corps shall depend on the operational needs.</u>	or return interventions or any other relevant operational activities in the Member States or in third countries. <b><i>In accordance with Article 83, such activities can only be carried out with the authorisation of the Member State or the third country concerned. The actual size of the deployments of the standing corps shall depend on the operational needs. The deployments of the standing corps shall be complementary to the efforts undertaken by the Member States.</i></b>
743		<b><i>2 a. Team members of the Agency deployed in an operation may cooperate with Europol teams deployed in the same geographic area in matters relating to cross-border crime.</i></b>		
744	3. In accordance with Article 83, all the members of the European Border and Coast Guard standing corps shall be enabled to carry out border control or return tasks, including the tasks requiring executive powers defined in the relevant national laws or, for the staff	3. In accordance with Article 83, all the members of the European Border and Coast Guard standing corps shall, <b><i>subject to the agreement of the host Members State</i></b> , be enabled to carry out border control or return tasks, including the tasks requiring executive powers defined in the relevant national laws or, for	3. <u>When providing support to the Member States</u> <del>in</del> accordance with Article 83, <del>all</del> the members of the European Border and Coast Guard standing corps <u>deployed as team members</u> -shall <del>be enabled</del> have <u>the ability</u> to carry out border control or return tasks, including the tasks requiring executive powers defined	3. <b><i>When providing support to the Member States</i></b> <del>in</del> accordance with Article 83, <del>all</del> the members of the European Border and Coast Guard standing corps <u>deployed as team members</u> -shall <del>be enabled</del> have <u>the ability</u> to carry out border control or return tasks, including the tasks requiring executive powers defined

	Commission proposal	EP amendments	Council position	Compromise text proposals
	of the Agency, in accordance with Annex II.	the staff of the Agency, in accordance with Annex II <i>to this Regulation. The standing corps, including the statutory staff, shall meet the requirements for specialised training and professionalism as provided for in Article 16(1) of Regulation (EU) 2016/399.</i>	in the relevant national laws or, for the staff of the Agency, in accordance with <u>Annex II Article 56(5)</u> .	in the relevant national laws or, for the staff of the Agency, in accordance with <u>Annex II Article 56(5)</u> .  <i>The members of standing corps, including the statutory staff, shall meet the requirements for specialised training and professionalism as provided for in Article 16(1) of Regulation (EU) 2016/399 or other relevant instruments.</i>
745	4. On a proposal by the executive director taking into account the Agency's risk analysis, the results of the vulnerability assessment and the multiannual strategic policy cycle, and building on the numbers and profiles available to the Agency through its statutory staff and ongoing secondments, the management board shall decide by 31 March of each year:	4. On a proposal by the executive director taking into account the Agency's risk analysis, the results of the vulnerability assessment and the multiannual strategic policy cycle, and building on the numbers and profiles available to the Agency through its statutory staff and ongoing secondments, the management board shall decide by 31 March of each year:	4. On a proposal by the executive director taking into account the Agency's risk analysis, the results of the vulnerability assessment and the multiannual strategic policy cycle, and building on the numbers and profiles available to the Agency through its statutory staff and ongoing secondments, the management board shall decide by 31 March of each year:	4. On a proposal by the executive director taking into account the Agency's risk analysis, the results of the vulnerability assessment and the multiannual strategic policy cycle, and building on the numbers and profiles available to the Agency through its statutory staff and ongoing secondments, the management board shall decide by 31 March of each year:
746			<u>(-a) requirements of profiles of operational staff within the European Border and Coast Guard standing corps;</u>	<i>(-a) definition of profiles and requirements for operational staff within the European Border and Coast Guard standing corps;</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
747	(a) on the numbers per specific profiles of operational staff under each of the three categories within the European Border and Coast Guard standing corps to form teams in the following year;	(a) on the numbers per specific profiles of operational staff under <del>each of the three</del> categories <b>1 to 3</b> within the European Border and Coast Guard standing corps, <b>and category 4 in case of rapid border interventions</b> , to form teams in the following year;	(a) <del>operational needs setting</del> the numbers per specific profiles of operational staff under each of the three categories within the European Border and Coast Guard standing corps to form teams in the following year;	(a) <b>based on the expected operational needs for the following year</b> , on the numbers per specific profiles of operational staff under <del>each of the three</del> categories <b>1 to 3</b> within the European Border and Coast Guard standing corps to form teams in the following year;
748	(b) on the specific numbers and profiles of operational staff per Member State to be seconded to the Agency in accordance with Article 57 and to be nominated in accordance with Article 58 in the following year;	(b) on the specific numbers and profiles of operational staff per Member State to be seconded to the Agency in accordance with Article 57 and to be nominated in accordance with Article 58 in the following year;	(b) <del>capacities defining</del> the specific numbers and profiles of operational staff per Member State to be seconded to the Agency in accordance with Article 57 and to be nominated in accordance with Article 58 <u>within the European Border and Coast Guard standing corps</u> in the following year;	(b) <b>on the definition of capacities established in Annex III and Annex IV by setting <del>on</del> the specific numbers and profiles of operational staff per Member State to be seconded to the Agency in accordance with Article 57 and to be nominated in accordance with Article 58 within the European Border and Coast Guard standing corps</b> in the following year;  (ba) <b>on the definition of capacities established in Annex Va by setting the specific numbers and profiles of operational staff per Member State under the Reserve for Rapid Reaction to be provided in case of rapid border interventions in accordance with Articles 40 and 58a within the European Border and Coast Guard standing corps</b> in the following year;

	Commission proposal	EP amendments	Council position	Compromise text proposals
749	(c) an indicative multiannual planning of profiles for the years thereafter to facilitate the long-term planning for the Member States' contributions and the recruitment of the Agency's statutory staff.	(c) an indicative multiannual planning of profiles for the years thereafter to facilitate the long-term planning for the Member States' contributions and the recruitment of the Agency's statutory staff.	(c) an indicative multiannual planning of profiles for the years thereafter to facilitate the long-term planning for the Member States' contributions and the recruitment of the Agency's statutory staff.	(c) an indicative multiannual planning of profiles for the years thereafter to facilitate the long-term planning for the Member States' contributions and the recruitment of the Agency's statutory staff.
750			4a <u>The crew for technical equipment provided in accordance to article 64 shall be taken into account as part of the contributions for short term deployments provided by the Member States pursuant to Article 58 for the following year. With a view to preparing the relevant management board decision referred to in paragraph 4, the Member State concerned shall inform the Agency about the intention to deploy the technical equipment with the corresponding crew by the end of January of each year.</u>	<b><i>4a. The crew for technical equipment provided in accordance to article 64 shall be taken into account as part of the contributions for short term deployments provided by the Member States pursuant to Article 58 for the following year. With a view to preparing the relevant management board decision referred to in paragraph 4, the Member State concerned shall inform the Agency about the intention to deploy the technical equipment with the corresponding crew by the end of January of each year.</i></b>
751	5. For the purpose of Article 74, the Agency shall develop and ensure the command and control structures for the effective deployments of the European Border and Coast Guard standing corps in the territory of third countries.	5. For the purpose of Article 74, the Agency shall develop and ensure the command and control structures for the effective deployments of the European Border and Coast Guard standing corps in the territory of third countries.	5. For the purpose of Article 74, the Agency shall develop and ensure the command and control structures for the effective deployments of the European Border and Coast Guard standing corps in the territory of third countries.	5. For the purpose of Article 74, the Agency shall develop and ensure the command and control structures for the effective deployments of the European Border and Coast Guard standing corps in the territory of third countries.

	Commission proposal	EP amendments	Council position	Compromise text proposals
752	6. The Agency may recruit up to 4% of the total number of the European Border and Coast Guard standing corps as staff having supportive functions for the establishment of the standing Corps, planning and management of its operations and for the acquisition of the Agency's own equipment.	6. The Agency may recruit up to <del>4%</del> <b>10%</b> of the total number of the European Border and Coast Guard standing corps, <b><i>taken from Category 1 or use seconded national experts</i></b> , as staff having supportive functions for the establishment of the standing Corps, planning and management of its operations and for the acquisition of the Agency's own equipment.	6. The Agency may recruit <u>sufficient staff, which may amount</u> up to 4% of the total number of the European Border and Coast Guard standing corps as staff having supportive functions for the establishment of the standing Corps, planning and management of its operations and for the acquisition of the Agency's own equipment.	6. The Agency may recruit <b><i>sufficient staff, which may amount</i></b> up to 4% of the total number of the European Border and Coast Guard standing corps <b><i>as defined in Annex I, taken from Category 1</i></b> , as staff having supportive <b><i>or monitoring</i></b> functions for the establishment of the standing Corps, planning and management of its operations and for the acquisition of the Agency's own equipment.  <b><i>The Agency shall recruit a minimum of [100] out of this staff as fundamental rights monitors as referred to in Article 56a</i></b>
753		<b><i>6 a. After ... [five years after the entry into force of this Regulation], the numbers of staff set out in Annex I shall be reviewed annually provided that the standing corps has been established and is fully functional. Where necessary, the numbers of staff in categories 1, 2, 3 and 4 may be increased or decreased by up to 30 % as long as those numbers do not go under the minimum threshold of 5 000</i></b>		To be discussed as part of the overall capacity of the corps/ review

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>operational staff or do not exceed the maximum threshold of 7 000 operational staff. The Commission is empowered to adopt delegated acts in accordance with Article 118 to amend this Regulation in order to adjust the numbers of staff set out in Annex I.</i>		
754			7. <u>The staff referred to in paragraph 6, as well as the staff responsible for the functioning of the ETIAS Central Unit, shall not be deployed as members of the team, but shall nevertheless be counted within Annex I.</u>	<b>7. The staff referred to in paragraph 6, as well as the staff responsible for the functioning of the ETIAS Central Unit, shall not be deployed as members of the team, but shall nevertheless be counted within Annex I.</b>
755	Article 56	Article 56	Article 56	Article 56
756	Agency's statutory staff in the European Border and Coast Guard standing corps	Agency's statutory staff in the European Border and Coast Guard standing corps	Agency's statutory staff in the European Border and Coast Guard standing corps	Agency's statutory staff in the European Border and Coast Guard standing corps
757	1. The Agency shall contribute to the European Border and Coast Guard standing corps members of its statutory staff (Category 1) to be deployed to operational areas as members of the teams with all the tasks and powers, including the task to operate the Agency's own equipment.	1. The Agency shall contribute to the European Border and Coast Guard standing corps members of its statutory staff (Category 1) to be deployed to operational areas as members of the teams with all the tasks and powers, including the task to <b>monitor the fundamental rights compliance and</b> operate the Agency's own equipment.	1. The Agency shall contribute to the European Border and Coast Guard standing corps members of its statutory staff (Category 1) to be deployed to operational areas as members of the teams with <del>all</del> the tasks and powers <u>in accordance with Article 83</u> , including the task to operate the Agency's own equipment.	<b>1. The Agency shall contribute to the European Border and Coast Guard standing corps members of its statutory staff (Category 1) to be deployed to operational areas as members of the teams with <del>all</del> the tasks and powers <i>in accordance with Article 83</i>, including the task to operate the Agency's own equipment.</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
758		<p><i>1 a. The Agency shall contribute to the European Border and Coast Guard standing corps at a minimum 100 members of its statutory staff (Category 1) to be deployed to operational areas and return operations and activities, reporting directly to the fundamental rights officer, tasked with monitoring the fundamental rights compliance of all activities and operations of the Agency, the host Member State or third country. The monitors of fundamental rights compliance as members of the statutory staff shall be independent in the performance of their duties. They shall report directly to the fundamental rights officer and to the consultative forum. They shall have the necessary qualifications and experience in the field of fundamental rights and return monitoring.</i></p>		<p style="text-align: center;"><b>Article 56a</b> <b>Fundamental Rights Monitors</b></p> <p><i>Ia. [100] members of the staff of the Agency referred to in Article 55(6) shall act as fundamental rights monitors whose role shall be to constantly assess the fundamental rights compliance of operational activities, to provide advice and assistance in this regard and to contribute to the promotion of fundamental rights as part of the European integrated border management.</i></p> <p><i>1. The fundamental rights monitors shall have the following tasks:</i> <i>(a) monitor the fundamental rights compliance of <del>operational activities of the Agency during all its phases</del> and provide advice and assistance on fundamental rights in the preparation, <del>and</del> conduct and evaluation of operational activities of the Agency he or she have been assigned to monitor (by the FRO);</i></p> <p><i>In this regard they shall, in particular:</i></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p>(i) <del>where applicable,</del> <b>follow</b> the preparation of <del>an</del> operational plans for which the fundamental rights monitor shall and report to the Fundamental Rights Officer <del>in order for him/her to fulfill his/her tasks under</del> as provided for in Article 107(3);</p> <p><b>To revert back to original text as initially drafted. Article 107(3) does not provide for reports of the FRMs.</b></p> <p>(ii) conduct visits <del>to</del>where the operational activity takes place <del>he or she is has been assigned to monitor,</del> including on a long-term basis;</p> <p><b>EP prefers the initial drafting.</b></p> <p>(iii) cooperate and liaise <del>closely</del> with the coordinating officer <del>referred to</del> as provided for in Article 45 and provide assistance and advice to him or her;</p> <p><b>EP prefers the initial drafting. The choice of term is wrong, as this is not “provided for” in Article 45.</b></p>



	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p>(iv) <i>inform the coordinating officer and report to <del>inform</del> the Fundamental Rights Officer on any concerns related to possible violation of fundamental rights within the Agency’s operational activities;</i></p> <p>(v) <i>contribute to the evaluation of activities as referred to in Article 48.</i></p> <p>(b) <i>act as forced return monitors;</i></p> <p>(c) <i><del>provide training on fundamental rights to the members of the teams,</del> and contribute to the training activities of the Agency on fundamental rights as provided for in Article 62, including by providing training on fundamental rights to the members of the teams.</i></p> <p>COM: is of the opinion that '<i>to the members of the teams</i>' is very limitative – should be deleted to allow for contribution to all training activities of the Agency</p> <p><b>EP ok</b></p> <p>2a. <i><del>For each operational activity other than a return operation,</del> the Fundamental Rights Officer shall nominate at least one fundamental rights monitor per <del>major</del> operation.</i></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p><i>The Fundamental Rights Officer may also decide to nominate fundamental rights monitor to monitor any other operational activity he or she considers relevant.</i></p> <p><b>EP not convinced about the wording proposed in the beginning of this sub-paragraph.</b></p> <p><i>The monitor shall have access to all <del>areas</del>—locations in which the operational activity takes place and to all its documents relevant for the implementation of that activity.</i></p> <p><b>Commission to provide a text on security clearance in Article 94</b></p> <p><b>Comment For each operational activity is too vague and too strong. We need to let the FRO who is ultimately responsible decide on the use of its staff i.e. when an FRM is needed.</b></p> <p><b>3. Fundamental rights monitors may be nominated by the Fundamental Rights Officer as forced return monitors for the pool referred to in Article 52. <del>In such a case</del> Where fundamental rights monitors act as forced return monitors, the</b></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p><i>provisions of Article 51(5) and 52 shall be applicable to them mutatis mutandis.</i></p> <p><i>Commission to provide a text on forced return monitoring</i></p> <p><i>[COM: The reference to FRM acting under art 51 can also be moved to para 2a to clarify the exception.]</i></p> <p><i>4. The fundamental rights monitors shall be appointed by the Fundamental Rights Officer and be under his/her hierarchical supervision. <del>They shall be independent in the performance of their duties.</del> When being present in an operational area, they shall be independent in the performance of their duties. <del>they</del> and shall wear an insignia clearly allowing for their identification as fundamental rights monitors.</i></p> <p><b>EP is absolutely against the Commission changes. The FRMs independence shall not be hindered or limited in any way.</b></p> <p><i>6. Following their recruitment, the fundamental rights monitors shall undergo an enhanced fundamental rights training taking into account</i></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p><i>the previously acquired qualifications and professional experience in the relevant areas. Throughout their employment, the Agency shall ensure that the fundamental rights monitors discharge their duties according to the highest standards. Adequate training maps shall be designed for each monitor ensuring their constant professional qualification to fulfil their task as fundamental rights monitors.</i></p> <p><b>Following the amendments put forward by the Commission, the EP insists to discuss this Article in its totality in a meeting.</b></p>
759			<p><u>1.a When recruiting, the Agency shall ensure geographical balance per grade and select candidates demonstrating high level of professionalism, adhering to high ethical values and having appropriate language skills.</u></p>	<p><i>1.a When recruiting, the Agency shall ensure the selection of candidates demonstrating high level of professionalism, adhering to high ethical values and having appropriate language skills.</i></p>
760	<p>2. In accordance with Article 62(2), following their recruitment, the new staff members shall undergo full border-guard or return-related training, as relevant, in the framework of dedicated training</p>	<p>2. In accordance with Article 62(2), following their recruitment, the new staff members shall undergo full <b>training, including on fundamental rights, according to their profile.</b> A border-guard</p>	<p>2. In accordance with Article 62(2), following their recruitment, the <del>new</del> staff members, to be deployed as team members, shall undergo <del>full-necessary</del> border-guard or return-related training, as relevant</p>	<p>2. In accordance with Article 62(2), following their recruitment, the <del>new</del> staff members, <b>to be deployed as team members</b>, shall undergo <del>full-necessary</del> border-guard or return-related training, <b>including</b></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	programmes designed by the Agency, and, based on agreements with selected Member States, implemented in their specialised academies. The cost of training shall be entirely covered by the Agency.	<i>training, or return-related training or enhanced fundamental rights training shall be organised</i> , as relevant, in the framework of dedicated training programmes designed by the Agency, and, based on agreements with selected Member States, implemented in their specialised academies. The cost of training shall be entirely covered by the Agency.	according to the profiles established by the Management Board in accordance with Article 55(4), <u>taking into account the previously acquired qualifications and professional experience in the relevant areas.</u>	<i>on fundamental rights</i> , as relevant according to the profiles established by the Management Board in accordance with Article 55(4), <i>taking into account the previously acquired qualifications and professional experience in the relevant areas.</i>
761			<u>This training process shall be carried out</u> in the framework of dedicated training programmes designed by the Agency, and, based on agreements with selected Member States, implemented in their specialised academies institutions for training and education, including the Agency's partnership academies in Member States. Adequate training maps shall be designed for each staff member after their recruitment ensuring their constant professional qualification to fulfil border guard or return-related tasks, The training maps shall be regularly updated. The cost of training shall be entirely covered by the Agency.	<i>This training process shall be carried out</i> in the framework of dedicated training programmes designed by the Agency, and, based on agreements with selected Member States, implemented in their specialised academies institutions for training and education, including the Agency's partnership academies in Member States. Adequate training maps shall be designed for each staff member after their recruitment ensuring their constant professional qualification to fulfil border guard or return-related tasks, the training maps shall be regularly updated. The cost of training shall be entirely covered by the Agency.

	Commission proposal	EP amendments	Council position	Compromise text proposals
762			<u>Staff members who act as technical crew operating the Agency's own equipment do not need to undergo full border guard or return-related trainings.</u>	<i>Staff members who act as technical crew operating the Agency's own equipment do not need to undergo full border guard or return-related trainings.</i>
763	3. Throughout their employment, the Agency shall ensure that its statutory staff members discharge their duties as team members with high standards. Adequate training maps shall be designed for each staff member ensuring their constant professional qualification to fulfil border guard or return-related tasks.	3. Throughout their employment, the Agency shall ensure that its statutory staff members discharge their duties as team members <del>with high standards</del> <b>according to the highest standards and in full compliance with fundamental rights</b> . Adequate training maps shall be designed for each staff member ensuring their constant professional qualification to fulfil border guard, <b>fundamental rights monitor</b> or return-related tasks.	3. Throughout their employment, the Agency shall ensure that its statutory staff members discharge their duties as team members with high standards. <del>Adequate training maps shall be designed for each staff member ensuring their constant professional qualification to fulfil border guard or return-related tasks.</del>	3. Throughout their employment, the Agency shall ensure that its statutory staff members discharge their duties as team members <del>with high standards</del> <b>according to the highest standards and in full compliance with fundamental rights</b> . Adequate training maps shall be designed for each staff member ensuring their constant professional qualification to fulfil border guard or return-related tasks.  Ⓜ
764			<u>3a) The management board, on a proposal of the executive director, shall:</u>	<b>3a) The management board on a proposal of the executive director, shall:</b>
765			<u>a) establish an appropriate supervisory mechanism to monitor the application of the provisions on use of force by the statutory staff of</u>	<b>a) establish an appropriate supervisory mechanism to monitor the application of the provisions on use of force by the statutory staff of</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
			<p><u>the Agency, including rules on reporting and specific measures including of disciplinary nature with regard to the use of force during the deployments.;</u></p>	<p><i>the Agency, including rules on reporting and specific measures including of disciplinary nature with regard to the use of force during the deployments;</i></p>
766			<p><u>b) establish rules for the executive director to entitle the statutory staff members to carry and use weapons in accordance with Article 83 (5), including on the mandatory cooperation with the competent national authorities in particular of the Member State of nationality, the Member State of residence, and the Member State of the initial training. These rules shall also address how these competences should be maintained by the statutory staff, in particular as regards handling weapons including regularly performed shooting tests;</u></p>	<p><i>b) establish rules for the executive director to entitle the statutory staff members to carry and use weapons in accordance with Article 83 (5), including on the mandatory cooperation with the competent national authorities in particular of the Member State of nationality, the Member State of residence, and the Member State of the initial training. These rules shall also address how these competences should be maintained by the statutory staff, in particular as regards handling weapons including regularly performed shooting tests;</i></p>
767			<p><u>c) establish specific rules to facilitate the storage of weapons, ammunition and other equipment in secured facilities and their transportation to the operational area.</u></p>	<p><i>c) establish specific rules to facilitate the storage of weapons, ammunition and other equipment in secured facilities and their transportation to the operational area.</i></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
768			<u>In relation to the rules referred to in letter a, the Commission should give an opinion on the compliance with the Staff Regulations, in accordance with Article 110 of the Staff Regulations.</u>	<i>In relation to the rules referred to in letter a, the Commission should give an opinion on the compliance with the Staff Regulations, in accordance with Article 110 of the Staff Regulations. Fundamental rights officer shall be consulted on the proposal of the executive director in relation to point a.</i>
769	4. Other staff members employed by the Agency who are not qualified to perform border control or return functions shall only be deployed during joint operations for coordination and other related tasks. They shall not form part of the teams.	4. Other staff members employed by the Agency who are not qualified to perform border control, <b><i>fundamental rights monitor</i></b> or return functions shall only be deployed during joint operations for coordination and other related tasks. They shall not form part of the teams.	4. Other staff members employed by the Agency who are not qualified to perform border control or return functions shall only be deployed during joint operations for coordination and other related tasks. They shall not form part of the teams.	4. Other staff members employed by the Agency who are not qualified to perform border control, or return functions shall only be deployed during joint operations for coordination, <b><i>monitoring of fundamental rights</i></b> and other related tasks. They shall not form part of the teams.
770			<u>5. The Agency statutory staff to be deployed as members of the teams in accordance with Article 83 shall have the ability to perform the following tasks requiring executive powers subject to the profiles established by the Agency and the relevant trainings<sup>5</sup>:</u>	<b><i>5. The Agency statutory staff to be deployed as members of the teams in accordance with Article 83 shall have the ability to perform the following tasks requiring executive powers subject to the profiles established by the Agency and the relevant trainings:</i></b>

<sup>5</sup> Clarifications regarding the supportive role of the Agency are made in Article 55(3).



	Commission proposal	EP amendments	Council position	Compromise text proposals
771			a. <u>verification of the identity and nationality of persons, including consultation of relevant EU and national databases;</u>	<i>a. verification of the identity and nationality of persons, including consultation of relevant EU and national databases;</i>
772			b. <u>authorisation of entry upon border check carried out at the border crossing points (in case that entry conditions laid down in Article 6 of the Schengen Borders Code are fulfilled;</u>	<i>b. authorisation of entry upon border check carried out at the border crossing points (in case that entry conditions laid down in Article 6 of the Schengen Borders Code are fulfilled;</i>
773			c. <u>refusal of entry upon border check carried out at the border crossing points are fulfilled; in accordance with Article 14 of the Schengen Border Code;</u>	<i>c. refusal of entry upon border check carried out at the border crossing points are fulfilled; in accordance with Article 14 of the Schengen Border Code;</i>
774			d. <u>stamping of travel documents in accordance with Article 11 of the Schengen Border Code;</u>	<i>d. stamping of travel documents in accordance with Article 11 of the Schengen Border Code;</i>
775			e. <u>issuing or refusing of visas at the border in accordance with Article 35 of the Visa Code and introduce the relevant data in VIS;</u>	<i>e. issuing or refusing of visas at the border in accordance with Article 35 of the Visa Code and introduce the relevant data in VIS;</i>
776			f. <u>border surveillance including patrolling between border crossing points to prevent unauthorised border crossings, to counter cross-border criminality and to take measures</u>	<i>f. border surveillance including patrolling between border crossing points to prevent unauthorised border crossings, to counter cross-border criminality</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
			<u>against persons who have crossed the border illegally, including interception/apprehension;</u>	<i>and to take measures against persons who have crossed the border illegally, including interception/apprehension;</i>
777			<u>g. register fingerprints of persons apprehended in connection with the irregular crossing of an external border in EURODAC (category 2) in accordance with Chapter III of the EURODAC Regulation;</u>	<i>g. register fingerprints of persons apprehended in connection with the irregular crossing of an external border in EURODAC (category 2) in accordance with Chapter III of the EURODAC Regulation;</i>
778			<u>h. liaising with third countries in view of identification of and obtaining travel documents for third country nationals subject to return;</u>	<i>h. liaising with third countries in view of identification of and obtaining travel documents for third country nationals subject to return;</i>
779			<u>i. escorting third country nationals subject to forced return procedures.</u>	<i>i. escorting third country nationals subject to forced return procedures.</i>
780	Article 57	Article 57	Article 57	Article 57
781	Member States' participation in the European Border and Coast Guard standing corps	Member States' participation in the European Border and Coast Guard standing corps	Member States' participation in the European Border and Coast Guard standing corps through long-term secondment	Member States' participation in the European Border and Coast Guard standing corps through long-term secondment
782	through long-term secondment	through long-term secondment		
783	1. The Member States shall contribute to the European Border and Coast Guard standing corps	1. The Member States shall contribute to the European Border and Coast Guard standing corps	1. The Member States shall contribute to the European Border and Coast Guard standing corps	1. The Member States shall contribute to the European Border and Coast Guard standing corps

	Commission proposal	EP amendments	Council position	Compromise text proposals
	operational staff seconded as team members to the Agency (Category 2). The duration of individual secondments shall be determined in accordance with Article 93(7). In order to facilitate the implementation of the financial support system referred to in Article 61, the secondment shall, as a general rule, start at the beginning of a calendar year.	operational staff seconded as team members to the Agency (Category 2). The duration of individual secondments shall be determined in accordance with Article <del>94</del> 93(7). In order to facilitate the implementation of the financial support system referred to in Article 61, the secondment shall, as a general rule, start at the beginning of a calendar year.	operational staff seconded as team members to the Agency (Category 2). The duration of individual secondments shall be <u>24 months</u> <del>determined in accordance with Article 93(7)</del> . <u>With the agreement of the home Member State and the Agency, the individual secondment may be renewed once.</u> In order to facilitate the implementation of the financial support system referred to in Article 61, the secondment shall, as a general rule, start at the beginning of a calendar year.	operational staff seconded as team members to the Agency (Category 2). The duration of individual secondments shall be <b>24 months</b> <del>determined in accordance with Article 93(7)</del> . <b><i>With the agreement of the home Member State and the Agency, the individual secondment may be prolonged once for another 12 or 24 months.</i></b> In order to facilitate the implementation of the financial support system referred to in Article 61, the secondment shall, as a general rule, start at the beginning of a calendar year.
784	2. Each Member State shall be responsible to ensure continuous contributions of operational staff as seconded team members in accordance with Annex III.	2. Each Member State shall be responsible to ensure continuous contributions of operational staff as seconded team members in accordance with Annex III.	2. Each Member State shall be responsible to ensure continuous contributions of operational staff as seconded team members in accordance with Annex III. <u>The payment of the costs incurred by staff deployed under this Article shall be made in accordance with Article 94(7).</u>	2. Each Member State shall be responsible to ensure continuous contributions of operational staff as seconded team members in accordance with Annex III. <b><i>The payment of the costs incurred by staff deployed under this Article shall be made in accordance with Article 94(7).</i></b>
785	3. The operational staff seconded to the Agency shall have the same tasks and powers of the members of the teams. The Member State that has seconded those operational staff shall	3. The operational staff seconded to the Agency shall have the same tasks and powers of the members of the teams. The Member State that has seconded those operational staff shall	3. The operational staff seconded to the Agency shall have the <del>same</del> tasks and powers of the members of the teams <u>in accordance with Article 83</u> . The Member State	3. The operational staff seconded to the Agency shall have the <del>same</del> tasks and powers of the members of the teams <b><i>in accordance with Article 83</i></b> . The Member State

	Commission proposal	EP amendments	Council position	Compromise text proposals
	be considered to be their home Member State. During the secondment, the location(s) and duration of the deployment(s) of seconded team members shall be decided by the executive director according to the operational needs.	be considered to be their home Member State. During the secondment, the location(s) and duration of the deployment(s) of seconded team members shall be decided by the executive director according to the operational needs.	that has seconded those operational staff shall be considered to be their home Member State. During the secondment, the location(s) and duration of the deployment(s) of seconded team members shall be decided by the executive director according to the operational needs. <u>The Agency shall ensure the continuous training of the operational staff during their secondment.</u>	that has seconded those operational staff shall be considered to be their home Member State. During the secondment, the location(s) and duration of the deployment(s) of seconded team members shall be decided by the executive director according to the operational needs. <b><i>The Agency shall ensure the continuous training of the operational staff during their secondment.</i></b>
786	4. By 30 June each year, each Member State shall nominate for secondment their operational staff in accordance with the specific numbers and profiles decided by the Management Board for the following year as referred to in Article 55(4). The Agency may verify whether the operational staff proposed by Member States correspond to the defined profiles and possess the necessary language skills. By 15 September, the Agency shall accept the proposed candidates or request that a Member State propose another candidate for secondment in case of incompliance with the required profiles, insufficient language skills,	4. By 30 June each year, each Member State shall nominate for secondment their operational staff in accordance with the specific numbers and profiles decided by the Management Board for the following year as referred to in Article 55(4). The Agency <del>may</del> <b>shall</b> verify whether the operational staff proposed by Member States correspond to the defined profiles and possess the necessary language skills. By 15 September, the Agency shall accept the proposed candidates or <del>request that a Member State propose another candidate for secondment</del> <b>refuse them</b> in case of incompliance with the required	4. By 30 June each year, each Member State shall <del>nominate</del> <u>indicate the candidates for</u> secondment <u>among</u> their operational staff in accordance with the specific numbers and profiles decided by the Management Board for the following year as referred to in Article 55(4). The Agency may verify whether the operational staff proposed by Member States correspond to the defined profiles and possess the necessary language skills. By 15 September, the Agency shall accept the proposed candidates or request that a Member State propose another candidate for secondment in case of incompliance with the required	4. By 30 June each year, each Member State shall <del>nominate</del> <b><i>indicate the candidates for</i></b> secondment <b><i>among</i></b> their operational staff in accordance with the specific numbers and profiles decided by the Management Board for the following year as referred to in Article 55(4). The Agency <del>may</del> <b>shall</b> verify whether the operational staff proposed by Member States correspond to the defined profiles and possess the necessary language skills. By 15 September, the Agency shall accept the proposed candidates or <del>request that a Member State propose another candidate for secondment</del> <b><i>refuse them</i></b> in case of

	Commission proposal	EP amendments	Council position	Compromise text proposals
	misconduct or infringement of the applicable rules during previous deployments.	profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments <i>and request that a Member State propose another candidate for secondment.</i>	profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments.	incompliance with the required profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments <i>and request that a Member State propose another candidate for secondment.</i>
787	5. Where, due to force majeure, an individual operational staff member cannot be seconded or is unable to continue their secondment, the Member State concerned shall ensure a replacement with another operational staff member having the required profile.	5. Where, due to force majeure, an individual operational staff member cannot be seconded or is unable to continue their secondment, the Member State concerned shall ensure a replacement with another operational staff member having the required profile.	5. Where, due to force majeure, an individual operational staff member cannot be seconded or is unable to continue their secondment, the Member State concerned shall ensure a replacement with another operational staff member having the required profile.	5. Where, due to force majeure, an individual operational staff member cannot be seconded or is unable to continue their secondment, the Member State concerned shall ensure a replacement with another operational staff member having the required profile.
788		<i>5a. Without prejudice to Article 75(3), all deployments of category 2 staff shall be mandatory. Where Article 75(3) is invoked, statutory staff shall replace the category 2 staff in question.</i>		
789	Article 58		Article 58	Article 58
790	Member States' participation in the European Border and Coast Guard standing corps	Member States' participation in the European Border and Coast Guard standing corps	Member States' participation in the European Border and Coast Guard standing corps	Member States' participation in the European Border and Coast Guard standing corps through short-term deployments
791	through short-term deployments	through short-term deployments	through short-term deployments	

	Commission proposal	EP amendments	Council position	Compromise text proposals
792	<p>1. In addition to the secondments in accordance with Article 57, by 30 June of each year, the Member States shall also contribute to the European Border and Coast Guard standing corps by nominating border guards and other relevant staff to the national list of operational staff for short-term deployments (Category 3) in accordance with the contributions indicated in Annex IV and in accordance with the specific numbers of profiles decided by the Management Board for the following year as referred to in Article 55(4). The national lists of nominated operational staff shall be communicated to the Agency. The payment of the costs incurred by staff deployed under this Article shall be made in accordance with the provisions of Article 46(2).</p>	<p>1. In addition to the secondments in accordance with Article 57, by 30 June of each year, the Member States shall also contribute to the European Border and Coast Guard standing corps by nominating border guards and other relevant staff to the national list of operational staff for short-term deployments (Category 3) in accordance with the contributions indicated in Annex IV and in accordance with the specific numbers of profiles decided by the Management Board for the following year as referred to in Article 55(4). The national lists of nominated operational staff shall be communicated to the Agency. The payment of the costs incurred by staff deployed under this Article shall be made in accordance with the provisions of Article 46(2).</p>	<p>1. In addition to the secondments in accordance with Article 57, by 30 June of each year, the Member States shall also contribute to the European Border and Coast Guard standing corps by nominating border guards and other relevant staff to the national <u>preliminary list of available</u> operational staff for short-term deployments (Category 3) in accordance with the <del>contributions</del> <u>capacities</u> indicated in Annex IV and in accordance with the specific numbers of profiles decided by the Management Board for the following year as referred to in Article 55(4). The <u>preliminary</u> national lists of nominated operational staff shall be communicated to the Agency. <u>The final composition of the annual list shall be confirmed to the Agency after the conclusion of the annual bilateral negotiations.</u> <del>The payment of the costs incurred by staff deployed under this Article shall be made in accordance with the provisions of Article 46(2).</del></p>	<p>1. In addition to the secondments in accordance with Article 57, by 30 June of each year, the Member States shall also contribute to the European Border and Coast Guard standing corps by nominating border guards and other relevant staff to the national <b><i>preliminary</i></b> list of <b><i>available</i></b> operational staff for short-term deployments (Category 3) in accordance with the <del>contributions</del> <b><i>capacities</i></b> indicated in Annex IV and in accordance with the specific numbers of profiles decided by the Management Board for the following year as referred to in Article 55(4). The <b><i>preliminary</i></b> national lists of nominated operational staff shall be communicated to the Agency. <b><i>The final composition of the annual list shall be confirmed to the Agency after the conclusion of the annual bilateral negotiations by 1 December of that year.</i></b> The payment of the costs incurred by staff deployed under this Article shall be made in accordance with the provisions of Article 46(2).</p>
793	<p>2. Each Member State shall be responsible to ensure that operational</p>	<p>2. Each Member State shall be responsible to ensure that operational</p>	<p>2. Each Member State shall be responsible to ensure that operational</p>	<p>2. Each Member State shall be responsible to ensure that operational</p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	staff nominated are available upon request of the Agency in accordance with the arrangements defined in this Article. Each operational staff member shall be available for a period of up to a maximum of 4 months within a calendar year.	staff nominated are available upon request of the Agency in accordance with the arrangements defined in this Article. Each operational staff member shall be available for a period of <b><i>a minimum of 2 months</i></b> and up to a maximum of 4 months within a calendar year.	staff nominated are available upon request of the Agency in accordance with the arrangements defined in this Article. Each operational staff member shall be available for a period of up to <del>a maximum of</del> 4 months within a calendar year. <u>However, Member States may decide to deploy an individual staff member beyond 4 months. Such extension shall be counted as a separate contribution of this Member State for the same profile or another required profile if the staff member poses the necessary competences.<sup>6</sup> The payment of the costs incurred by staff deployed under this Article shall be made in accordance with Article 46(2).</u>	staff nominated are available upon request of the Agency in accordance with the arrangements defined in this Article. Each operational staff member shall be available for a period of up to <del>a maximum of</del> 4 months within a calendar year. <b><i>However, Member States may decide to deploy an individual staff member beyond 4 months. Such extension shall be counted as a separate contribution of this Member State for the same profile or another required profile if the staff member poses the necessary competences. The payment of the costs incurred by staff deployed under this Article shall be made in accordance with Article 46(2).</i></b>
794			<u>2a. The operational staff deployed under this article shall have the tasks and powers of the members of the teams in accordance with Article 83.</u>	<b><i>2a. The operational staff deployed under this Article shall have the tasks and powers of the members of the teams in accordance with Article 83.</i></b>
795	3. The Agency may verify whether operational staff nominated for short-	3. The Agency <del>may</del> <b><i>shall</i></b> verify whether operational staff nominated	3. The Agency may verify, whether operational staff nominated	3. The Agency may verify, whether <b><i>the</i></b> operational staff

<sup>6</sup> Reasoning: to accommodate the possible deployment of individual border guards beyond 4 months, especially technical crew, and to ensure that this extension is counted separately.

	Commission proposal	EP amendments	Council position	Compromise text proposals
	term deployments by Member States correspond to the defined profiles and possess the necessary language skills. The Agency may request that a Member State remove an operational staff member from the national list in case of non-compliance with the required profiles, insufficient linguistic skills, misconduct or infringement of the applicable rules during previous deployments.	for short-term deployments by Member States correspond to the defined profiles and possess the necessary language skills. The Agency <del>may request that a Member State remove an</del> <b>shall refuse nominated</b> operational staff member <del>from the national list</del> in case of non-compliance with the required profiles, insufficient linguistic skills, misconduct or infringement of the applicable rules during previous deployments <b>and request that a Member State to nominate another candidate.</b>	for short-term deployments by Member States correspond to the defined profiles and possess the necessary language skills. The Agency may request that a Member State remove an operational staff member from the national list in case of non-compliance with the required profiles, insufficient linguistic skills, misconduct or infringement of the applicable rules during previous deployments. <u>The Member State concerned shall ensure a replacement with another operational staff member having the required profile.</u>	nominated for short-term deployments by Member States correspond to the defined profiles and possess the necessary language skills. The Agency <del>may request that a Member State remove an</del> <b>shall refuse nominated</b> operational staff member <del>from the national list</del> in case of <del>non-compliance with the required profiles,</del> insufficient linguistic skills, misconduct or infringement of the applicable rules during previous deployments. <b>The Agency shall also refuse nominated operational staff in case of non-compliance with the required profiles unless the respective operational staff qualifies for another profile allocated to that Member State. In case of refusal, the Member State concerned shall ensure a replacement with another operational staff member having the required profile.</b>
796	4. By 31 July of each year, the Agency shall request the contribution by Member States of their individual operational staff members to joint operations for the following year.	4. By 31 July of each year, the Agency shall request the contribution by Member States of their individual operational staff members to joint operations for the following year.	4. By 31 July of each year, the Agency shall request the contribution by Member States of their individual operational staff members to joint operations for the following year	4. By 31 July of each year, the Agency shall request the contribution by Member States of their individual operational staff members to joint operations for the following year



	Commission proposal	EP amendments	Council position	Compromise text proposals
	The periods of individual deployment shall be decided in the annual bilateral negotiations and agreements between the Agency and Member States. However, as a final result Member States shall make the operational staff available for deployment within the numbers and profiles specified in the request of the Agency.	The periods of individual deployment shall be decided in the annual bilateral negotiations and agreements between the Agency and Member States. However, as a final result Member States shall make the operational staff available for deployment within the numbers and profiles specified in the request of the Agency.	<u>within the required numbers and profiles.</u> The periods of individual deployment shall be decided in the annual bilateral negotiations and agreements between the Agency and Member States.	<i>within the required numbers and profiles.</i> The periods of individual deployment shall be decided in the annual bilateral negotiations and agreements between the Agency and Member States. <del>However, as a final result Member States shall make the operational staff available for deployment within the numbers and profiles specified in the request of the Agency.</del>
797			<u>4a.</u> However, as a final result of <u>the the annual bilateral negotiations,</u> Member States shall make the operational staff <u>from the national lists referred to in paragraph 1</u> available for <u>specific</u> deployments within the numbers and profiles specified in the request of the Agency.	<i>4a.</i> However, as a final result <i>of the annual bilateral negotiations,</i> Member States shall make the operational staff <i>from the national lists referred to in paragraph 1</i> available for <i>specific</i> deployments within the numbers and profiles specified in the request of the Agency.
798	5. Where, due to force majeure, an individual operational staff member cannot be deployed in accordance with the agreements, the Member State concerned shall ensure a replacement with an operational staff member from the list having the required profile.	5. Where, due to force majeure, an individual operational staff member cannot be deployed in accordance with the agreements, the Member State concerned shall ensure a replacement with an operational staff member from the list having the required profile.	5. Where, due to force majeure, an individual operational staff member cannot be deployed in accordance with the agreements, the Member State concerned shall ensure a replacement with an operational staff member from the list having the required profile.	5. Where, due to force majeure, an individual operational staff member cannot be deployed in accordance with the agreements, the Member State concerned shall ensure a replacement with an operational staff member from the list having the required profile.

	Commission proposal	EP amendments	Council position	Compromise text proposals
799	<p>6. In case of increased needs for the reinforcement of an ongoing joint operation or a need to launch a new joint operation not specified in the respective annual work programme, and the corresponding result of annual bilateral negotiations, the Executive Director shall inform without delay the Member States about the additional needs by indicating possible numbers of operational staff and profiles to be provided by each Member State. Once an amended operational plan or, where relevant, a new operational plan is agreed upon by the executive director and the host Member State, the formal request for the number and profiles of operational staff shall be made by the Executive Director. The respective team members shall be deployed from each Member State within 20 working days from that formal request.</p>	<p>6. In case of increased needs for the reinforcement of an ongoing joint operation or a need to launch a new joint operation not specified in the respective annual work programme, and the corresponding result of annual bilateral negotiations, the Executive Director shall inform without delay the Member States about the additional needs by indicating possible numbers of operational staff and profiles to be provided by each Member State. Once an amended operational plan or, where relevant, a new operational plan is agreed upon by the executive director and the host Member State, the formal request for the number and profiles of operational staff shall be made by the Executive Director. The respective team members shall be deployed from each Member State within 20 working days from that formal request.</p>	<p>6. In case of increased needs for the reinforcement of an ongoing joint operation, <del>or</del> a need to launch a <u>rapid border intervention</u> or a new joint operation not specified in the respective annual work programme, <del>and nor</del> the corresponding result of annual bilateral negotiations, the <u>deployment shall be carried out within the capacities set out in Annex IV</u>. The Executive Director shall inform without delay the Member States about the additional needs by indicating possible numbers of operational staff and profiles to be provided by each Member State. Once an amended operational plan or, where relevant, a new operational plan is agreed upon by the executive director and the host Member State, the formal request for the number and profiles of operational staff shall be made by the Executive Director. The respective team members shall be deployed from each Member State within 20 working days from that formal request <u>without prejudice to Article 40</u>.</p>	<p>6. In case of increased needs for the reinforcement of an ongoing joint operation, <del>or</del> a need to launch <b>a rapid border intervention</b> or a new joint operation not specified in the respective annual work programme, <del>and nor</del> the corresponding result of annual bilateral negotiations, the <b>deployment shall be carried out within the capacities set out in Annex IV</b>. The Executive Director shall inform without delay the Member States about the additional needs by indicating possible numbers of operational staff and profiles to be provided by each Member State. Once an amended operational plan or, where relevant, a new operational plan is agreed upon by the executive director and the host Member State, the formal request for the number and profiles of operational staff shall be made by the Executive Director. The respective team members shall be deployed from each Member State within 20 working days from that formal request <b>without prejudice to Article 40</b>.</p>
800	<p>7. Where the risk analysis or any available vulnerability assessment</p>	<p>7. Where the risk analysis or any available vulnerability assessment</p>	<p>7. Where the risk analysis or any available vulnerability</p>	<p>7. Where the risk analysis or any available vulnerability</p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	show that a Member State is faced with a situation that would substantially affect the discharge of national tasks, its respective contribution shall be half of its contribution for that year established in Annex IV. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in Article 65.	show that a Member State is faced with a situation that would substantially affect the discharge of national tasks, its respective contribution shall be half of its contribution for that year established in Annex IV. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in Article 65.	assessment show that a Member State is faced with a situation that would substantially affect the discharge of national tasks, its respective contribution shall be <u>up to</u> half of its contribution for that year established in Annex IV. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in Article 65.	assessment show that a Member State is faced with a situation that would substantially affect the discharge of national tasks, <i>that Member State shall contribute with operational staff in accordance with the requests of the Agency referred in paragraphs 4 or 6 of this Article. <del>its respective contribution shall be</del> However, these contributions shall not cumulatively exceed half of its capacities <del>contribution</del> established for that year <del>established</del> in Annex IV. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in Article 65.</i>
801	8. The duration of the deployment for a specific operation shall be determined by the home Member State but in any event shall not be less than 30 days, except if the operation of which the deployment is a part, has a shorter duration than 30 days.	8. The duration of the deployment for a specific operation shall be determined by the home Member State but in any event shall not be less than 30 days, except if the operation of which the deployment is a part, has a shorter duration than 30 days.	8. The duration of the deployment for a specific operation shall be determined by the home Member State but in any event shall not be less than 30 days, except if the operation of which the deployment is a part, has a shorter duration than 30 days.	8. The duration of the deployment for a specific operation shall be determined by the home Member State but in any event shall not be less than 30 days, except if the operation of which the deployment is a part, has a shorter duration than 30 days.
802		<i>8a. Without prejudice to Article 75(3) all deployments of category 3</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>staff shall be mandatory. Where Article 75(3) is invoked, statutory staff shall replace the category 3 staff in question.</i>		
803			9. <u>The technical crew taken into account for the contributions of Member States in accordance with Article 55 (4a), shall only be deployed, in accordance with the agreements following the annual bilateral negotiations for the corresponding items of technical equipment as referred to Article 64 (9).</u>	<b>9. <i>The technical crew taken into account for the contributions of Member States in accordance with Article 55 (4a), shall only be deployed, in accordance with the agreements following the annual bilateral negotiations for the corresponding items of technical equipment as referred to Article 64 (9).</i></b>
804			<u>By way of derogation to paragraph 1, Member States shall include in the annual list the technical crew referred in the previous paragraph only after conclusion of the annual bilateral negotiations. They may adjust the relevant annual list in case of any changes of the technical crew during the year concerned and notify these changes to the Agency.</u>	<b><i>By way of derogation to paragraph 1, Member States shall include in the annual list the technical crew referred in the previous paragraph only after conclusion of the annual bilateral negotiations. They may adjust the relevant annual list in case of any changes of the technical crew during the year concerned and notify these changes to the Agency.</i></b>
805			<u>The verification referred to in paragraph 3 shall not concern the competences to operate the technical equipment.</u>	<b><i>The verification referred to in paragraph 3 shall not concern the competences to operate the technical equipment.</i></b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
806			The crew members having <u>exclusively technical duties shall only be indicated by functions on the national annual list.</u> <sup>7</sup>	<i>The crew members having exclusively technical duties shall only be indicated by functions on the national annual list.</i>
807			<u>The duration of deployment of technical crews shall be determined in accordance with Article 64.</u>	<i>The duration of deployment of technical crews shall be determined in accordance with Article 64.</i>
808		<i>Article 58 a</i>		<i>Article 58 a</i>
809		<i>Member States' participation in the European Border and Coast Guard standing corps through the rapid reaction pool</i>		<i>Member States' participation in the European Border and Coast Guard standing corps through the Reserve for Rapid Reaction</i>
810		<i>1. The Member States shall place the operational staff forming part of the rapid reaction pool at the immediate disposal of the Agency (Category 4). Operational staff may be deployed as part of the rapid reaction pool from each Member State within five working days from the date on which the operational plan is agreed by the executive director and the host Member State exclusively for rapid border</i>		<i>1. The Member States shall contribute to the European Border and Coast Guard standing corps by means of a Reserve for Rapid Reaction Pool (Category 4) to be activated for rapid border interventions in accordance with Articles 38 (2) and 40 provided that category 1 to 3 staff required for the rapid border intervention in question have already been fully</i>

<sup>7</sup> Explanation: in order to accommodate specific situations of technical crew covering exclusively tasks related to the technical operation of the equipment, their names and personal information do not need to be subject quality control, therefore they are just indicated per profile in the national annual list.

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<p><i>interventions, provided that category 1 to 3 staff required for the operation in question have already been fully deployed. For that purpose, each Member State shall, on a yearly basis, make available to the Agency a number of border guards or other relevant staff. Their profiles shall be as defined in the decision of the management board. The total number of staff made available by the Member States shall amount to 3 000 border guards or other relevant staff. The Agency shall verify whether the border guards proposed by Member States correspond to the defined profiles. The Agency shall accept the proposed candidates or refuse them in case of incompliance with the required profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments and request that a Member State propose another candidate for secondment.</i></p>		<p><i>deployed for the rapid border intervention in question.</i></p> <p><i>2. For that purpose, the operational staff shall be indicated by the Member States <del>shall nominate the operational staff</del> to the national list in accordance with the capacities indicated in Annex Va and based on the specific numbers of profiles decided by the Management Board for the following year as referred to in Article 55(4). The composition of the national list shall be provided to the Agency by 15 December of that year, after the conclusion of the annual bilateral negotiations.</i></p> <p><i>3. Each Member State shall be responsible to ensure that the operational staff <del>nominated</del> indicated are available upon request of the Agency within the capacities set out in Annex Va and in accordance with the arrangements defined in this Article. Each operational staff member shall be available for a period of up to 4 months within a calendar year.</i></p> <p><i>4. The Agency may verify, whether the operational staff nominated for short-term deployments by Member</i></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p><del>States correspond to the defined profiles and possess the necessary language skills. The Agency shall refuse nominated operational staff in case of insufficient linguistic skills, misconduct or infringement of the applicable rules during previous deployments. The Agency shall also refuse nominated operational staff in case of incompliance with the required profiles unless the respective operational staff qualifies for another profile allocated to that Member State. In case of refusal, the Member State concerned shall ensure a replacement with another operational staff member having the required profile.</del></p> <p><del>Council proposes to be deleted due to the deletion of profiles</del></p> <p><del>5. The specific deployments in the framework of rapid border interventions from the Reserve for Rapid Reaction <del>Pøøt</del> shall take place in accordance with Article 40 (8a) (9).</del></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
811		<i>2. Each Member State shall be responsible for its contribution to the number of border guards or other relevant staff, as referred to in paragraph 1, in accordance with Annex Va.</i>		
812	Article 59	Article 59	Article 59	Article 59
813	Mid-term review of the functioning of the EUROPEAN BORDER AND COAST GUARD standing corps	<del>Mid-term</del> Review of the functioning of the EUROPEAN BORDER AND COAST GUARD standing corps	Mid-term review of the <del>functioning</del> overall number and composition of the <del>EUROPEAN BORDER AND COAST GUARD</del> European Border and Coast Guard standing corps	<del>Mid-term</del> Review of the <u>EUROPEAN BORDER AND COAST GUARD</u> European Border and Coast Guard standing corps
814	1. By 31 June 2024, based in particular on the reports referred to in Article 65, the Commission shall carry out a mid-term review on the functioning of European Border and Coast Guard standing corps, assessing its overall number and composition. The review shall take into account the evolution of the statutory staff for the Agency's contributions or any significant changes in the individual Member States' capabilities affecting their abilities to contribute to the standing corps.	1. By <del>31 June 2024</del> <i>[two years after entry into force of this Regulation]</i> , based in particular on the reports referred to in Article 65 <i>and Article 62(8a)</i> , the Commission, <i>together with the Member States</i> , shall carry out a <del>mid-term</del> review on the functioning of <i>the</i> European Border and Coast Guard standing corps, <i>including the rapid reaction pool</i> , assessing its overall <i>training, specialised expertise, professionalism</i> , number and composition. The review shall take into account the evolution of the statutory staff for the Agency's contributions or any significant changes in the individual Member	1. <del>By 31 June 2024</del> <i>30 months after the deployments referred to in Article 120(4),</i> based in particular on the reports referred to in Article 65, the Commission shall carry out a mid-term review on the <del>functioning</del> overall number and composition of European Border and Coast Guard standing corps, <del>assessing its overall number and composition</del> <i>including the size of the individual Member State's contributions to the standing corps.</i>	<i>1. By 31 <del>June</del> December 2023, based in particular on the reports referred to in Article 65 and Article 62(8a), the Commission shall carry out <del>present to the European Parliament and the Council a mid-term review of the functioning</del> overall number and composition of the European Border and Coast Guard standing corps, including the size of the individual Member State's contributions to the standing corps, assessing, as well as of its training, expertise and professionalism. The review shall also look into whether to maintain the Reserve for Rapid Reaction Pool as part of the standing</i>



	Commission proposal	EP amendments	Council position	Compromise text proposals
		States' capabilities affecting their abilities to contribute to the standing corps.		<del>corps. overall number and composition.</del>
815			The review shall <u>describe and take into account existing and potential operational needs</u> for the standing corps covering rapid reaction capacities, <del>the evolution of the statutory staff for the Agency's contributions or any significant changes in the individual Member States' capabilities affecting their abilities to contribute to the standing corps,</del> <u>significant changes affecting Member State's national capabilities to contribute to the standing corps and the evolution of the statutory staff for the Agency's contributions.</u>	<i>The review shall describe and take into account existing and potential operational needs for the standing corps covering rapid reaction capacities, the evolution of the statutory staff for the Agency's contributions or any significant changes in the individual Member States' capabilities affecting their abilities to contribute to the standing corps, as well as significant circumstances affecting Member States national capabilities to contribute to the standing corps and the evolution of the statutory staff for the Agency's contributions.</i>
816	2. This mid-term review shall be accompanied, where necessary, by appropriate proposals to amend Annexes I, III and IV.	2. This <del>mid-term</del> review shall be accompanied, where necessary, by appropriate proposals to amend Annexes I, III, <del>and IV</del> <i>IV and Va.</i>	2. By the end of 2023, <del>t</del> <u>his</u> mid-term review shall be <u>transmitted for discussion to the Council and the European Parliament.</u>	Deleted - covered in para. 1
817		<i>2a. By ... [two years after entry into force of this Regulation], and every four years thereafter, the Commission, together with the Member States and with the assistance of the Agency, shall carry</i>		<i>To be included in article 116</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>out an independent review of the level of training, specialised expertise and professionalism possessed by the staff of the European Border and Coast Guard standing corps. The Commission shall communicate the results of the review to the European Parliament, to the Council and to the Commission.</i>		
818			3. <del>accompanied</del> , By March 2024, the Commission shall, where necessary, <del>by</del> submit appropriate proposals to confirm or amend Annexes I, III and IV. Such proposal shall be based on the results of the mid-term review.	2. <i>By March 2024, the Commission shall</i> <del>This mid-term review shall be accompanied, where necessary, by submit</del> appropriate proposals to amend Annexes I, III <del>and IV, IV and Va</del> . <i>Where the Commission does not present a proposal, it shall explain the reason thereof. This is without prejudice to reaching gradually the capacity of the standing corps of 10000 operational staff by 2027.</i>
819	Article 60	Article 60	Article 60	Article 60
820	Antenna offices	Antenna offices	Antenna offices	Antenna offices
821	1. Subject to the agreement of the host Member State, the Agency may set up antenna offices on its territory to facilitate and improve	1. Subject to the agreement of <del>of</del> the host Member State <i>or the explicit inclusion of this possibility in the status agreement concluded</i>	1. Subject to the agreement of the host Member State, the Agency may set up antenna offices on its territory to facilitate and improve	1. Subject to the agreement of <del>of</del> the host Member State <i>or the explicit inclusion of this possibility in the status agreement concluded</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	<p>coordination of the operational activities, including in the field of returns, organised by the Agency in that Member State or in the neighbouring region and to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be temporary establishments set up for the period of time necessary for the Agency to carry out significant operational activities in that specific Member State or the neighbouring region concerned. That period of time may be prolonged, if necessary.</p>	<p><i>with the host third country</i>, the Agency may set up antenna offices on <del>its</del> <i>the territory of that Member State or third country, in order</i> to facilitate and improve coordination of the operational activities, including in the field of returns, organised by the Agency in that Member State or in <del>the neighbouring region</del> <i>a third country</i> and to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be <del>temporary establishments</del> set up for the period of time necessary for the Agency to carry out significant operational activities in that specific Member State or the <del>neighbouring region</del> <i>third country</i> concerned. That period of time may be prolonged, if necessary.</p>	<p>coordination of the operational activities, including in the field of returns, organised by the Agency in that Member State or in the neighbouring region and to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be temporary establishments set up for the period of time necessary for the Agency to carry out significant operational activities in that specific Member State or the neighbouring region concerned. That period of time may be prolonged, if necessary.</p>	<p><i>with the host third country</i>, the Agency may set up antenna offices on <del>its</del> <i>the territory of that Member State or third country, in order</i> to facilitate and improve coordination of the operational activities, including in the field of returns, organised by the Agency in that Member State, in the neighboring region, <i>or in a third country</i> and to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be <del>temporary establishments</del> set up <i>in accordance with the operational needs</i>-for the period of time necessary for the Agency to carry out significant operational activities in that specific Member State, <del>or</del> in the neighboring region, <i>or in a third country</i> concerned. That period of time may be prolonged, if necessary.</p> <p><i>Before an antenna is set up all the budgetary consequences shall be carefully assessed and calculated and the relevant amounts budgeted in advance</i></p>
822	2. The Agency and the host Member State where the antenna	2. The Agency and the host Member State <i>or the host third</i>	2. The Agency and the host Member State where the antenna	2. The Agency and the host Member State <i>or the host third</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	office is set up shall endeavour to make the necessary arrangements in order to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office.	<i>country</i> where the antenna office is set up shall <del>endeavour to</del> make the necessary arrangements in order to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office. <b><i>The place of employment for the staff working in antenna offices shall be set in accordance with Article 94(2).</i></b>	office is set up shall endeavour to make the necessary arrangements in order to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office.	<i>country</i> where the antenna office is set up shall <del>endeavour to</del> make the necessary arrangements in order to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office. <b><i>The place of employment for the staff working in antenna offices shall be set in accordance with Article 94(2).</i></b>
823	3. The antenna offices shall, where applicable:	3. The antenna offices shall, where applicable:	3. The antenna offices shall, where applicable:	3. The antenna offices shall, where applicable:
824	(a) provide operational and logistical support and ensure the coordination of Agency's activities in the operational areas concerned;	(a) provide operational and logistical support and ensure the coordination of Agency's activities in the operational areas concerned;	(a) provide operational and logistical support and ensure the coordination of Agency's activities in the operational areas concerned;	(a) provide operational and logistical support and ensure the coordination of Agency's activities in the operational areas concerned;
825	(b) provide operational support to the Member State in the operational areas concerned;	(b) provide operational support to the Member State <b><i>or the third country</i></b> in the operational areas concerned;	(b) provide operational support to the Member State in the operational areas concerned;	(b) provide operational support to the Member State <b><i>or the third country</i></b> in the operational areas concerned;
826	(c) monitor the activities of the Agency's teams and regularly report to the headquarters;	(c) monitor the activities of the Agency's teams and regularly report to the headquarters;	(c) monitor the activities of the Agency's teams and regularly report to the headquarters;	(c) monitor the activities of the Agency's teams and regularly report to the headquarters;
827		<b><i>(ca) monitor the fundamental rights compliance of operations and activities in the area of border management and return and report directly to the fundamental rights officer;</i></b>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
828	(d) cooperate with the host Member State(s) on all issues related to the practical implementation of the operational activities organised by the Agency in that Member State(s), including any additional issues that might have occurred in the course of these activities;	(d) cooperate with the host Member State(s) <i>or host third country</i> on all issues related to the practical implementation of the operational activities organised by the Agency in that Member State(s) <i>or third country</i> , including any additional issues that might have occurred in the course of these activities;	(d) cooperate with the host Member State(s) on all issues related to the practical implementation of the operational activities organised by the Agency in that Member State(s), including any additional issues that might have occurred in the course of these activities;	(d) cooperate with the host Member State(s) <i>or host third country</i> on all issues related to the practical implementation of the operational activities organised by the Agency in that Member State(s) <i>or third country</i> , including any additional issues that might have occurred in the course of these activities;
829	(e) support the coordinating officer referred to in Article 45 in his/ her cooperation with the participating Member States on all issues related to their contribution to the operational activities organised by the Agency and, if necessary, liaise with the headquarters;	(e) support the coordinating officer referred to in Article 45 in his/ her cooperation with the participating Member States on all issues related to their contribution to the operational activities organised by the Agency and, if necessary, liaise with the headquarters;	(e) support the coordinating officer referred to in Article 45 in his/ her cooperation with the participating Member States on all issues related to their contribution to the operational activities organised by the Agency and, if necessary, liaise with the headquarters;	(e) support the coordinating officer referred to in Article 45 in his/ her cooperation with the participating Member States on all issues related to their contribution to the operational activities organised by the Agency and, if necessary, liaise with the headquarters;
830	(f) support the coordinating officer in facilitating, if necessary, the coordination and communication between the Agency's Teams and the relevant authorities of the host Member State;	(f) support the coordinating officer in facilitating, if necessary, the coordination and communication between the Agency's Teams and the relevant authorities of the host Member State <i>or host third country</i> ;	(f) support the coordinating officer in facilitating, if necessary, the coordination and communication between the Agency's Teams and the relevant authorities of the host Member State;	(f) support the coordinating officer, <i>as well as fundamental rights monitors assigned to monitor an operational activity to him or her</i> , in facilitating, if necessary, the coordination and communication between the Agency's <del>T</del> teams and the relevant authorities of the host Member State <i>or host third country as well any relevant tasks</i> ;
831	(g) organise logistical support relating to the deployment of the	(g) organise logistical support relating to the deployment of the	(g) organise logistical support relating to the deployment of the	(g) organise logistical support relating to the deployment of the

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	members of the teams and the deployment and use of technical equipment;	members of the teams and the deployment and use of technical equipment;	members of the teams and the deployment and use of technical equipment;	members of the teams and the deployment and use of technical equipment;
832	(h) provide all other logistical support regarding the operational area they are responsible for with a view to facilitating the smooth running of the operational activities organised by the Agency;	(h) provide all other logistical support regarding the operational area they are responsible for with a view to facilitating the smooth running of the operational activities organised by the Agency;	(h) provide all other logistical support regarding the operational area they are responsible for with a view to facilitating the smooth running of the operational activities organised by the Agency;	(h) provide all other logistical support regarding the operational area they are responsible for with a view to facilitating the smooth running of the operational activities organised by the Agency;
833	(i) support the Agency's liaison officer to identify any current or future challenges for the border management of the area they are responsible for or for the implementation of the return acquis and regularly report to the headquarters;	(i) support the Agency's liaison officer to identify any current or future challenges for the border management of the area they are responsible for, <del>or</del> for the implementation of the return acquis <b>or for fundamental rights issues</b> and regularly report to the headquarters;	(i) support the Agency's liaison officer, <u>without prejudice to his or her tasks and functions as referred to in Article 32</u> , to identify any current or future challenges for the border management of the area they are responsible for or for the implementation of the return acquis and regularly report to the headquarters;	(i) support the Agency's liaison officer, <b>without prejudice to his or her tasks and functions as referred to in Article 32</b> to identify any current or future challenges for the border management of the area they are responsible for, <del>or</del> for the implementation of the return acquis and regularly report to the headquarters;
834	(j) ensure the effective management of the Agency's own equipment in the areas covered by its activities, including their possible registration, long-term maintenance and any logistical support needed.	(j) ensure the effective management of the Agency's own equipment in the areas covered by its activities, including their possible registration, long-term maintenance and any logistical support needed.	(j) ensure the effective management of the Agency's own equipment in the areas covered by its activities, including their possible registration, long-term maintenance and any logistical support needed.	(j) ensure the effective management of the Agency's own equipment in the areas covered by its activities, including their possible registration, long-term maintenance and any logistical support needed.
835	4. Each antenna office shall be managed by a representative of the Agency appointed by the executive director. The Head of the antenna office who is appointed shall oversee	4. Each antenna office shall be managed by a representative of the Agency appointed by the executive director. The Head of the antenna office who is appointed shall oversee	4. Each antenna office shall be managed by a representative of the Agency appointed by the executive director. The Head of the antenna office who is appointed shall oversee	4. Each antenna office shall be managed by a representative of the Agency appointed by the executive director. The Head of the antenna office who is appointed shall oversee

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	the overall work of the office and shall act as its single point of contact with the headquarters.	the overall work of the office and shall act as its single point of contact with the headquarters.	the overall work of the office and shall act as its single point of contact with the headquarters.	the overall work of the office and shall act as its single point of contact with the headquarters.
836	5. The management board on a proposal of the executive director shall decide on the setting up, composition, duration and where needed possible prolongation of the duration of an antenna office taking into account the opinion of the Commission and the agreement of the Member State on the territory of which that antenna office shall be situated. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	5. The management board on a proposal of the executive director shall decide on the setting up, composition, duration and where needed possible prolongation of the duration of an antenna office taking into account the opinion of the Commission and the agreement of the Member State on the territory of which that antenna office shall be situated. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	5. The management board on a proposal of the executive director shall decide on the setting up, composition, duration and where needed possible prolongation of the duration of an antenna office taking into account the opinion of the Commission and the agreement of the Member State on the territory of which that antenna office shall be situated. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	5. The management board on a proposal of the executive director shall decide on the setting up, composition, duration and where needed possible prolongation of the duration of an antenna office taking into account the opinion of the Commission and the agreement of the Member State on the territory of which that antenna office shall be situated. The management board shall take its decision by a two-thirds majority of all members with a right to vote.
837		<i>5a. The host Member State where the antenna office is set up shall provide the Agency with assistance to ensure operational capacity.</i>		<i>5a. The host Member State where the antenna office is set up shall provide the Agency with assistance to ensure operational capacity.</i>
838	6. The Executive Director shall report to the Management Board on a quarterly basis on the activities of antenna offices. The activities of the antenna offices shall be described in a separate section of the annual activity report referred to 98(2) point 10.	6. The executive director <i>and the fundamental rights officer</i> shall report to the Management Board on a quarterly basis on the activities of antenna offices <i>and on fundamental rights compliance as monitored by the antenna offices</i> . The activities of the antenna offices shall be described	6. The Executive Director shall report to the Management Board on a quarterly basis on the activities of antenna offices. The activities of the antenna offices shall be described in a separate section of the annual activity report referred to 98(2) point 10.	6. The executive director shall report to the Management Board on a quarterly basis on the activities of antenna offices. The activities of the antenna offices shall be described in a separate section of the annual activity report referred to 98(2) point 10.

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		in a separate section of the annual activity report referred to 98(2) point j+0		
839		<i>6 a. Where the Commission establishes that there are generalised deficiencies as regards the rule of law in a Member State in which the Agency has established an antenna office, the Commission shall, without delay, report this finding to the executive director. Within a period of one month from being informed of this finding - and unless the antenna office has closed in the meantime - the management board, on a proposal from the executive director, shall decide upon whether to close the antenna office taking full account of the opinion of the Commission.</i>		explanation provided at third trialogue
840	Article 61		Article 61	Article 61
841	Financial support for the development of the European Border and Coast Guard standing corps	Financial support for the development of the European Border and Coast Guard standing corps	Financial support for the development of the European Border and Coast Guard standing corps	Financial support for the development of the European Border and Coast Guard standing corps
842	1. Member States are entitled to receive funding in the form of financing not linked to costs on yearly basis in order to support the development of human resources to	1. Member States are entitled to receive funding in the form of financing not linked to costs on yearly basis in order to support the development of human resources to	1. Member States are entitled to receive funding in the form of financing not linked to costs on yearly basis in order to support the development of human resources to	1. Member States are entitled to receive funding in the form of financing not linked to costs on yearly basis in order to support the development of human resources to



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	secure their contributions to the European and Border Guard standing corps in accordance with Annexes III and IV, in accordance with Article 125 (1) (a) of Regulation (EU, Euratom) 2018/1046 which shall be payable after the end of the year concerned and upon fulfilment of conditions laid down in accordance with paragraphs 3 and 4. That financing shall be based on a reference amount as set in paragraph 2 and shall amount to:	secure their contributions to the European and Border Guard standing corps in accordance with Annexes III and IV, in accordance with <del>Article</del> <b>Article</b> 125 (1) (a) of Regulation (EU, Euratom) 2018/1046 which shall be payable after the end of the year concerned and upon fulfilment of conditions laid down in accordance with paragraphs 3 and 4. That financing shall be based on a reference amount as set in paragraph 2 and shall <del>amount</del> <b>amount</b> to:	secure their contributions to the European <del>and</del> <u>Border and Coast</u> Guard standing corps in accordance with Annexes III and IV, in accordance with Article 125 (1) (a) of Regulation (EU, Euratom) 2018/1046 which shall be payable after the end of the year concerned and upon fulfilment of conditions laid down in accordance with paragraphs 3 and 4. That financing shall be based on a reference amount as set in paragraph 2 and shall amount to:	secure their contributions to the European <del>and</del> <u>Border and Coast</u> Guard standing corps in accordance with Annexes III and IV, in accordance with <del>Article</del> <b>Article</b> 125 (1) (a) of Regulation (EU, Euratom) 2018/1046 which shall be payable after the end of the year concerned and upon fulfilment of conditions laid down in accordance with paragraphs 3 and 4. That financing shall be based on a reference amount as set in paragraph 2 and shall <del>amount</del> <b>amount</b> to:
843	(a) 100% of the reference amount multiplied by the number of border guards or other officers indicated annually for secondment in accordance with Annex III;	(a) 100% of the reference amount multiplied by the number of border guards or other officers indicated annually for secondment in accordance with Annex III;	(a) 100% of the reference amount multiplied by the number <del>of border guards or other officers</del> <u>operational staff</u> indicated <u>for the year n+2<sup>8</sup></u> <del>annually</del> for secondment in accordance with Annex III;	(a) 100% of the reference amount multiplied by the number <del>of border guards or other officers</del> <u>operational staff</u> indicated <b>for the year n+2<sup>8</sup></b> <del>annually</del> for secondment in accordance with Annex III;
844	(b) 30% of the reference amount multiplied by the number of border guards or other officers effectively deployed in accordance with Article 58 within the limit set by Annex IV.	(b) 30% of the reference amount multiplied by the number of border guards or other officers effectively deployed in accordance with Article 58 within the limit set by Annex IV.	(b) <del>37</del> <u>30</u> <sup>9</sup> % of the reference amount multiplied by the number of <del>border guards or other officers</del> <u>operational staff</u> effectively deployed in accordance with Article 58 within the limit set by Annex IV;	(b) <del>37</del> <u>30</u> % of the reference amount multiplied by the number of <del>border guards or other officers</del> <u>operational staff</u> effectively deployed in accordance with Article 58 within the limit set by Annex IV

<sup>8</sup> The year n+2 refers to the recruitment and training period (clarified in recital 55).

<sup>9</sup> Explanation: The percentage was adjusted to take into account the average holidays period per year (25 working days), in addition to weekends already counted in the Presidency's initial calculation.

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				<i>and Article 58a within the limit set by Annex Va;</i>
845			(c) <u>50% of the reference amount multiplied by the number of operational staff recruited by the Agency as statutory staff. This one-off payment shall apply to staff departing from national services, being in an active service no longer than 15 years at the time of recruitment by the Agency.</u>	(c) <i>50% of the reference amount multiplied by the number of operational staff recruited by the Agency as statutory staff. This one-off payment shall apply to staff departing from national services, being in an active service no longer than 15 years at the time of recruitment by the Agency.</i>
846	2. The reference amount referred in paragraph 1 shall be equivalent to the annual basic salary for a contract agent Function Group III grade 8 step 1 defined in accordance with Article 93 of the the Conditions of Employment of Other Servants of the Union (CEOS) and subject to a correction co-efficient applicable in the Member State concerned.	2. The reference amount referred in paragraph 1 shall be equivalent to the annual basic salary for a contract agent Function Group III grade 8 step 1 defined in accordance with Article 93 of the the Conditions of Employment of Other Servants of the Union (CEOS) and subject to a correction co-efficient applicable in the Member State concerned.	2. The reference amount referred in paragraph 1 shall be equivalent to the annual basic salary for a contract agent Function Group III grade 8 step 1 defined in accordance with Article 93 of the the Conditions of Employment of Other Servants of the Union (CEOS) and subject to a correction co-efficient applicable in the Member State concerned.	2. The reference amount referred in paragraph 1 shall be equivalent to the annual basic salary for a contract agent Function Group III grade 8 step 1 defined in accordance with Article 93 of the the Conditions of Employment of Other Servants of the Union (CEOS) and subject to a correction co-efficient applicable in the Member State concerned.
847	3. The annual payment of the ammount referred to in paragraph 1(a) shall be due on condition that the Member States increase accordingly their respective overall national border guards staffing through the recruitment of new border guards and other officers in	3. The annual payment of the <del>ammount</del> <b>amount</b> referred to in paragraph 1(a) shall be due on condition that the Member States increase accordingly their respective overall national border guards staffing through the recruitment of new border guards and other officers	3. The annual payment of the ammount referred to in paragraph 1(a) shall be due on condition that the Member States increase accordingly their respective overall national border guards staffing through the recruitment of new <del>border guards or other officers</del>	3. The annual payment of the <del>ammount</del> <b>amount</b> referred to in paragraph 1(a) shall be due on condition that the Member States increase accordingly their respective overall national border guards staffing through the recruitment of new <del>border guards or other officers</del>

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	<p>the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and verified through the vulnerability assessment in the following year. The annual payment of the ammount referred to in paragraph 1(b) shall be due in relation the number of border guards or other officers effectively deployed for at least 4 months in accordance with Article 58 within the limit set by Annex IV.</p>	<p>in the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and verified through the vulnerability assessment in the following year. The annual payment of the <del>ammount</del> <b>amount</b> referred to in paragraph 1(b) shall be due in <b>full in</b> relation <b>to</b> the number of border guards or other officers effectively deployed for <b>a consecutive or non-consecutive period of at least 4 months, or on a pro-rata basis for deployments for a consecutive or non-consecutive period of less than 4 months</b> in accordance with Article 58 within the limit set by Annex IV. <b>An advance payment linked to the annual payments of the amounts referred to in points (a) and (b) of paragraph 1 shall be granted following the submission of a specific and justified request by the contributing Member State.</b></p>	<p><u>operational staff</u> in the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and verified through the vulnerability assessment in the following year. The annual payment of the ammount referred to in paragraph 1(b) shall be due in relation <u>to</u> the number of <del>border guards or other officers</del> <u>operational staff</u> effectively deployed for <u>at least up to</u> 4 months in accordance with Article 58 within the limit set by Annex IV. <u>For effective deployments referred to in paragraph 1(b) of less or more than 4 months, the payements shall be calculated on pro rata basis.</u></p>	<p><b><i>operational staff</i></b> in the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and verified through the vulnerability assessment in the following year. The annual payment of the <del>ammount</del> referred to in paragraph 1(b) shall be due in <b>full in</b> relation <b>to</b> the number of <b><i>operational staff border guards or other officers</i></b> effectively deployed for <del>at least up to</del> <b><i>a consecutive or non-consecutive period of 4 months</i></b> in accordance with Article 58 within the limit set by Annex IV <b>and Article 58a</b> within the limit set by Annex Va. <b><i>For effective deployments referred to in paragraph 1(b), the payments shall be calculated on a pro rata basis based on the reference period of 4 months. An advance payment linked to the annual payments of the amounts referred to in points (a) and (b) of paragraph 1 shall be granted following the submission of a specific and justified request by the contributing Member State.</i></b></p>

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848	4. The Commission shall adopt detailed rules for the modalities of annual payment and the monitoring of the applicable conditions provided in paragraph 3 by means of an implementing act in accordance with the procedure referred to in Article 117(3).	4. The Commission shall adopt detailed rules for the modalities of annual payment and the monitoring of the applicable conditions provided in paragraph 3 by means of an implementing act in accordance with the procedure referred to in Article 117(3).	4. The Commission shall adopt detailed rules for the modalities of annual payment and the monitoring of the applicable conditions provided in paragraph 3 by means of an implementing act in accordance with the procedure referred to in Article 117(3). <u>These rules shall include modalities for advanced payments upon fulfilment of the conditions set out in paragraph 3, as well as the modalities for pro rata calculations including cases where the deployment of technical crew would exceptionally exceed the maximum national contributions as set out in Annex IV.</u>	4. The Commission shall adopt detailed rules for the modalities of annual payment and the monitoring of the applicable conditions provided in paragraph 3 by means of an implementing act in accordance with the procedure referred to in Article 117(3). <i>These rules shall include modalities for advanced payments upon fulfilment of the conditions set out in paragraph 3, as well as the modalities for pro rata calculations including cases where the deployment of technical crew would exceptionally exceed the maximum national contributions as set out in Annex IV.</i>
849		<i>4a. When implementing the financial support under this Article, the Agency and the Member States shall ensure the compliance with the principles of co-financing and no double funding.</i>		<i>4a. When implementing the financial support under this Article, the Agency and the Member States shall ensure the compliance with the principles of co-financing and no double funding.</i>
850	Article 62	Article 62	Article 62	Article 62
851	Training	Training	Training	Training
852	1. The Agency shall, taking into account the capability roadmap referred to in Article 9(4), where	1. The Agency shall, taking into account the capability roadmap referred to in Article 9(4), where	1. The Agency shall, taking into account the capability roadmap referred to in Article 9(4), where	1. The Agency shall, taking into account the capability roadmap referred to in Article 9(4), where

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	<p>available, and in cooperation with the appropriate training entities of the Member States, and, where appropriate, EASO and the European Union Agency for Fundamental Rights, develop specific training tools, including specific training in the protection of children and other persons in a vulnerable situation. It shall provide border guards, return specialists and other relevant staff who are members of the European Border and Coast Guard standing corps with advanced training relevant to their tasks and powers. Experts from the staff of the Agency shall conduct regular exercises with those border guards and other team members in accordance with the advanced training and exercise schedule referred to in the annual work programme of the Agency.</p>	<p>available, and in cooperation with the appropriate training entities of the Member States, and, where appropriate, <del>EASO</del> <b>[the European Union Agency for Asylum]</b> and the European Union Agency for Fundamental Rights, develop specific training tools, including specific training in the protection of children and other persons in a vulnerable situation. It shall provide border guards, return specialists, <b>return escorts and forced-return monitors</b> and other relevant staff who are members of the European Border and Coast Guard standing corps with advanced training relevant to their tasks and powers. Experts from the staff of the Agency shall conduct regular exercises with those border guards and other team members in accordance with the advanced training and exercise schedule referred to in the annual work programme of the Agency.</p>	<p>available, and in cooperation with the appropriate training entities of the Member States, and, where appropriate, EASO, <u>eu LISA</u>, <u>CEPOL</u> and the European Union Agency for Fundamental Rights, develop specific training tools, including specific training in the protection of children and other persons in a vulnerable situation. <u>Training content shall take into account relevant research outcomes and best practices.</u> <del>‡</del> <u>The Agency</u> shall provide border guards, return specialists and other relevant staff who are members of the European Border and Coast Guard standing corps with <u>advanced specialised</u> training relevant to their tasks and powers. <del>Experts from the staff of</del> <u>‡</u> <u>The Agency</u> shall conduct regular exercises with those border guards and other team members in accordance with the <u>advanced specialised</u> training and <u>exercises</u> schedule referred to in the annual work programme of the Agency.</p>	<p>available, and in cooperation with the appropriate training entities of the Member States, and, where appropriate, <del>EASO</del> <b>European Asylum Support Office</b>, <del>and</del> the European Union Agency for Fundamental Rights, <u>eu LISA and CEPOL</u>, develop specific training tools, including specific training in the protection of children and other persons in a vulnerable situation. <b>Training content shall take into account relevant research outcomes and best practices.</b> <del>‡</del> <b>The Agency</b> shall provide border guards, return specialists, <b>return escorts, forced-return monitors</b>, and other relevant staff who are members of the European Border and Coast Guard standing corps <b>as well as forced-return monitors and fundamental rights monitors</b> with <u>advanced specialised</u> training relevant to their tasks and powers. <del>Experts from the staff of</del> <u>‡</u> <u>The Agency</u> shall conduct regular exercises with those border guards and other team members in accordance with the <u>advanced specialised</u> training <del>and exercises</del> schedule referred to in the annual work programme of the Agency.</p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
853	<p>2. The Agency shall ensure that all the staff members recruited to act as operational staff of the European Border and Coast Guard standing corps have received adequate training in relevant Union and international law, including on fundamental rights, access to international protection and, where appropriate, search and rescue, prior to their initial deployment in operational activities organised by the Agency. For that purpose, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their national academies. The cost of training shall be entirely covered by the Agency.</p>	<p>2. The Agency shall ensure that all the staff members recruited to act as operational staff of the European Border and Coast Guard standing corps have received adequate training in relevant Union and international law, including on fundamental rights, access to international protection, <b><i>guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate procedures, guidelines for addressing the special needs of children, including unaccompanied minors, victims of trafficking in human being, persons in need of urgent medical assistance, and other particularly vulnerable persons</i></b> and, <del>where appropriate</del> <b><i>where it is intended that they participate in maritime operations</i></b>, search and rescue, prior to their initial deployment in operational activities organised by the Agency. <b><i>If the operational activities potentially necessitate the use of firearms, the staff members shall receive a comprehensive practical, legal and ethical training, taking into account the staff</i></b></p>	<p>2. The Agency shall ensure that all the staff members recruited to act as operational staff of the European Border and Coast Guard standing corps <u>to be deployed as team members</u> have received adequate training, <u>in line with article 56(2) and (3)</u>, in relevant Union and international law, including on fundamental rights, access to international protection and, where appropriate, search and rescue, prior to their initial deployment in operational activities organised by the Agency. <u>This training shall also cover the use of force in line with Annex V.</u> For that purpose, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their <u>specialised institutions for training and education national academies</u>, <u>including the Agency's partnership academies in Member States.</u> The cost of training shall be entirely covered by the Agency.</p>	<p>2. The Agency shall ensure that all the staff members recruited to act as operational staff of the European Border and Coast Guard standing corps <b><i>to be deployed as team members</i></b> have received adequate training, <b><i>in addition to the training referred to in article 56(2) and (3)</i></b>, in relevant Union and international law, including on fundamental rights, access to international protection, <b><i>guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate procedures, guidelines for addressing the special needs of children, including unaccompanied minors, victims of trafficking in human being, persons in need of urgent medical assistance, and other particularly vulnerable persons</i></b> and, <del>where appropriate</del> <b><i>where it is intended that they participate in sea operations</i></b>, search and rescue, prior to their initial deployment in operational activities organised by the Agency. <b><i>This training shall also cover the use of force in line with Annex V.</i></b> For that purpose, the Agency shall,</p>

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		<i>member's previous training or experience.</i> For that purpose, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their national academies. The cost of training shall be entirely covered by the Agency.		based on agreements with selected Member States, implement the necessary training programmes in their <i>specialised institutions for training and education</i> <del>national academies</del> , including the Agency's <i>partnership academies in Member States</i> . The cost of training shall be entirely covered by the Agency.
854		<i>2a. For that purpose, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their national academies. The Agency shall ensure that the training follows the common core curriculum, is harmonised and fosters mutual understanding and a common culture based on the values enshrined in the Treaties. The cost of training shall be entirely covered by the Agency.</i>		<i>2a. For that purpose described in paragraph 2, the Agency shall, based on agreements with selected Member States, implement the necessary training programmes in their specialised institutions for training and education, including the Agency's partnership academies in Member States. The Agency shall ensure that the training follows the common core curriculum, is harmonised and fosters mutual understanding and a common culture based on the values enshrined in the Treaties. The cost of training shall be entirely covered by the Agency.</i>
855		<i>2b. The Agency may, after obtaining the approval of the management board, set up an Agency training centre to further facilitate the</i>		<i>The Agency may, after obtaining the approval of the management board, set up an Agency training centre to further facilitate the inclusion of a</i>

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		<i>inclusion of a common European culture in the training provided.</i>		<i>common European culture in the training provided.</i>
856	3. The Agency shall take the necessary initiatives to ensure that all operational staff of the Member States who participate in the teams from the European Border and Coast Guard standing corps, have received training in relevant Union and international law, including on fundamental rights, access to international protection and where appropriate search and rescue, prior to their participation in operational activities organised by the Agency.	<del>3. — The Agency shall take the necessary initiatives to ensure that all operational staff of the Member States who participate in the teams from the European Border and Coast Guard standing corps, have received training in relevant Union and international law, including on fundamental rights, access to international protection and where appropriate search and rescue, prior to their participation in operational activities organised by the Agency.</del>	3. The Agency shall take the necessary initiatives to ensure that all operational staff of the Member States who participate in the teams from the European Border and Coast Guard standing corps, have received training in relevant Union and international law, including on fundamental rights, access to international protection and where appropriate search and rescue, prior to their participation in operational activities organised by the Agency.	3. The Agency shall take the necessary initiatives to ensure that all operational staff of the Member States who participate in the teams from the European Border and Coast Guard standing corps, have received training in relevant Union and international law, including on fundamental rights, access to international protection, <i>guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate procedures, guidelines for addressing the special needs of children, including unaccompanied minors, victims of trafficking in human being, persons in need of urgent medical assistance, and other particularly vulnerable persons</i> and, <del>where appropriate</del> <i>where it is intended that they participate in sea operations</i> , search and rescue, prior to their participation in operational activities organised by the Agency.



	Commission proposal	EP amendments	Council position	Compromise text proposals
857	4. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks who are allocated to the European Border and Coast Guard standing corps and the pool referred to in Article 52. The Agency shall ensure that its staff and all staff who participate in return operations and in return interventions have received training in relevant Union and international law, including on fundamental rights and access to international protection, prior to their participation in operational activities organised by the Agency.	4. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks who are allocated to the European Border and Coast Guard standing corps and the pool referred to in Article 52. The Agency shall ensure that its staff and all staff who participate in return operations and in return interventions have received training in relevant Union and international law, including on fundamental rights, <del>and</del> access to international protection <b>and to the referral mechanism for vulnerable persons</b> , prior to their participation in operational activities organised by the Agency.	4. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks who are allocated to the European Border and Coast Guard standing corps and the pool referred to in Article 52. The Agency shall ensure that its staff and all staff who participate in return operations and in return interventions have received training in relevant Union and international law, including on fundamental rights and access to international protection, prior to their participation in operational activities organised by the Agency.	4. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks who are allocated to the European Border and Coast Guard standing corps and the pool referred to in Article 52. The Agency shall ensure that its staff and all staff who participate in return operations and in return interventions have received training in relevant Union and international law, including on fundamental rights, <del>and</del> access to international protection <b>and on referral of vulnerable persons</b> , prior to their participation in operational activities organised by the Agency.
858	5. The Agency shall establish and further develop common core curricula for the training of border guards and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law, as well as a common curriculum for the training of staff involved in return-related tasks. The common core curricula shall aim to	5. The Agency shall establish and further develop common core curricula for the training of border guards and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law, as well as a common curriculum for the training of staff involved in return-related tasks. The common core curricula shall aim to	5. The Agency shall establish and further develop common core curricula for the training of border guards and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law, as well as a common curriculum for the training of staff involved in return-related tasks. The common core curricula shall aim to	5. The Agency shall establish and further develop common core curricula for the training of border guards and provide training at European level for instructors of the national border guards of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law, as well as a common curriculum for the training of staff involved in return-related tasks. The common core curricula shall aim to

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	promote the highest standards and best practices in the implementation of Union border management and return legislation. The Agency shall draw up the common core curricula after consulting the consultative forum and the fundamental rights officer. Member States shall integrate the common core curricula into the training they provide to their national border guards and staff involved in return-related tasks.	promote the highest standards and best practices in the implementation of Union border management and return legislation. The Agency shall draw up the common core curricula after consulting the consultative forum and the fundamental rights officer. Member States shall integrate the common core curricula into the training they provide to their national border guards and staff involved in return-related tasks.	promote the highest standards and best practices in the implementation of Union border management and return legislation. The Agency shall draw up the common core curricula after consulting the consultative forum and the fundamental rights officer. Member States shall integrate the common core curricula into the training they provide to their national border guards and staff involved in return-related tasks.	promote the highest standards and best practices in the implementation of Union border management and return legislation. The Agency shall draw up the common core curricula after consulting the consultative forum and the fundamental rights officer. Member States shall integrate the common core curricula into the training they provide to their national border guards and staff involved in return-related tasks.
<b>859</b>	6. The Agency shall also offer additional training courses and seminars on subjects related to the control of the external borders and return of third-country nationals for officers of the competent national services of Member States and where appropriate of third countries.	6. The Agency shall also offer additional training courses and seminars on subjects related to the control of the external borders and return of third-country nationals for officers of the competent national services of Member States and where appropriate of third countries.	6. The Agency shall also offer additional training courses and seminars on subjects related to the control of the external borders and return of third-country nationals for officers of the competent national services of Member States and where appropriate of third countries.	6. The Agency shall also offer additional training courses and seminars on subjects related to the control of the external borders and return of third-country nationals for officers of the competent national services of Member States and where appropriate of third countries.
<b>860</b>	7. The Agency may organise training activities in cooperation with Member States and third countries on their territory.	7. The Agency may organise training activities in cooperation with Member States and third countries on their territory.	7. The Agency may organise training activities in cooperation with Member States and third countries on their territory.	7. The Agency may organise training activities in cooperation with Member States and third countries on their territory.
<b>861</b>	8. The Agency shall establish an exchange programme enabling border guards participating in its teams and staff participating in the European return intervention teams to acquire knowledge or specific	8. The Agency shall establish an exchange programme enabling border guards participating in its teams and staff participating in the European return intervention teams to acquire knowledge or specific	8. The Agency shall establish an exchange programme enabling border guards participating in its teams and staff participating in the European return intervention teams to acquire knowledge or specific	8. The Agency shall establish an exchange programme enabling border guards participating in its teams and staff participating in the European return intervention teams to acquire knowledge or specific

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	know-how from experiences and good practices abroad by working with border guards and staff involved in return-related tasks in a Member State other than their own.	know-how from experiences, <i>fundamental rights compliance</i> and good practices abroad by working with border guards and staff involved in return-related tasks in a Member State other than their own.	know-how from experiences and good practices abroad by working with border guards and staff involved in return-related tasks in a Member State other than their own.	know-how from experiences and good practices abroad by working with border guards and staff involved in return-related tasks in a Member State other than their own.
<b>862</b>		<i>8a. The Agency shall establish and further develop an internal quality control mechanism to ascertain the high level of training, special expertise and professionalism of all its staff as well as the operational staff of the Member States who participate in the operational activities of the Agency. The Agency shall prepare an annual evaluation report on the basis of the implementation of the quality control mechanism. The Agency shall communicate the annual evaluation report to the European Parliament, to the Council and to the Commission.</i>		<i>8a. The Agency shall establish and further develop an internal quality control mechanism to ensure the high level of training, expertise and professionalism of all its statutory staff in particular the operational staff who participate in the operational activities of the Agency. On the basis of the implementation of the quality control mechanism, the Agency shall prepare an annual evaluation report which shall be annexed to the annual activity report communicated to the European Parliament, to the Council and to the Commission.</i>
<b>863</b>	Article 63	Article 63	Article 63	Article 63
<b>864</b>	Acquisition or leasing of technical equipment	Acquisition or leasing of technical equipment	Acquisition or leasing of technical equipment	Acquisition or leasing of technical equipment

	Commission proposal	EP amendments	Council position	Compromise text proposals
865	1. The Agency may acquire, either on its own or as co-owner with a Member State, or lease technical equipment to be deployed during joint operations, pilot projects, rapid border interventions, activities in the area of return, including return operations, return interventions, migration management support team deployments or technical assistance projects in accordance with the financial rules applicable to the Agency.	1. The Agency may acquire, either on its own or as co-owner with a Member State, or lease technical equipment to be deployed during joint operations, pilot projects, rapid border interventions, activities in the area of return, including return operations, return interventions, migration management support team deployments or technical assistance projects in accordance with the financial rules applicable to the Agency.	1. The Agency may acquire, either on its own or as co-owner with a Member State, or lease technical equipment to be deployed during joint operations, pilot projects, rapid border interventions, activities in the area of return, including return operations, return interventions, migration management support team deployments or technical assistance projects in accordance with the financial rules applicable to the Agency.	1. The Agency may acquire, either on its own or as co-owner with a Member State, or lease technical equipment to be deployed during joint operations, pilot projects, rapid border interventions, activities in the area of return, including return operations, return interventions, migration management support team deployments or technical assistance projects in accordance with the financial rules applicable to the Agency.
866	2. Based on a proposal of the executive director after receiving the positive opinion of the Commission, the management board shall establish a comprehensive multiannual strategy on how the Agency's own technical capabilities shall be developed taking into account the multiannual strategic policy cycle for the European Integrated Border Management including the capability roadmap referred to in Article 9(4) as available and the budgetary resources made available for this purpose in the multiannual financial framework.	2. Based on a proposal of the executive director after receiving the positive opinion of the Commission <b><i>and on the multiannual strategic policy cycle for the European Integrated Border Management, including the capability roadmap referred to in Article 9(4), as available, and on the budgetary resources made available for this purpose in the multiannual financial framework</i></b> , the management board shall establish a comprehensive multiannual strategy on how the Agency's own technical capabilities <b><i>shall are to</i></b> be developed taking into account the multiannual	2. <del>Based on a proposal of the executive director after receiving the positive opinion of the Commission.</del> The management board shall establish a comprehensive multiannual strategy on how the Agency's own technical capabilities shall be developed taking into account the multiannual strategic policy cycle for the European Integrated Border Management including the capability roadmap referred to in Article 9(4) as available and the budgetary resources made available for this purpose in the multiannual financial framework. <u>The decision of the management</u>	2. <del>Based on a proposal of the executive director after receiving the positive opinion of the Commission,</del> <u>The management board shall establish a comprehensive multiannual strategy on how the Agency's own technical capabilities shall are to</u> be developed taking into account the multiannual strategic policy cycle for the European Integrated Border Management including the capability roadmap referred to in Article 9(4) as available and the budgetary resources made available for this purpose in the multiannual financial framework. <b><i>The decision of the management</i></b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<del>strategic policy cycle for the European Integrated Border Management including the capability roadmap referred to in Article 9(4) as available and the budgetary resources made available for this purpose in the multiannual financial framework.</del>	<u>board shall be based on the proposal of the executive director. To ensure compliance with the applicable legal, financial and policy frameworks, the proposal of the executive director shall make this proposal after receiving the positive opinion of the Commission.</u>	<i>board shall be based on the proposal of the executive director. To ensure compliance with the applicable legal, financial and policy frameworks, the executive director shall make this proposal after receiving the positive opinion of the Commission.</i>
867	The strategy shall be accompanied by a detailed implementation plan specifying the timeline for acquisition or leasing, procurement planning and risk mitigation. If the strategy and the plan do not follow the Commission opinion, the agency shall send a justification of its decisions to the Commission. Following the adoption of the strategy, the implementation plan shall become part of the multiannual programming component of the programing document referred to in Article 98(2) point 10.	The strategy shall be accompanied by a detailed implementation plan specifying the timeline for acquisition or leasing, procurement planning and risk mitigation. If the strategy and the plan do not follow the Commission opinion, the agency shall send a justification of its decisions to the Commission. Following the adoption of the strategy, the implementation plan shall become part of the multiannual programming component of the programing document referred to in Article 98(2) point 10.	The strategy shall be accompanied by a detailed implementation plan specifying the timeline for acquisition or leasing, procurement planning and risk mitigation. If the strategy and the plan do not follow the Commission opinion, the agency shall send a justification of its decisions to the Commission. Following the adoption of the strategy, the implementation plan shall become part of the multiannual programming component of the programing document referred to in Article 98(2) point <del>10</del> <u>k</u> .	The strategy shall be accompanied by a detailed implementation plan specifying the timeline for acquisition or leasing, procurement planning and risk mitigation. If the strategy and the plan do not follow the Commission opinion, the agency shall send a justification of its decisions to the Commission. Following the adoption of the strategy, the implementation plan shall become part of the multiannual programming component of the programing document referred to in Article 98(2) point <del>10</del> <u>k</u> .
868	3. The Agency may acquire technical equipment by decision of the executive director in consultation with the management board and in accordance with the applicable procurement rules. Any acquisition or leasing of equipment entailing significant costs to the Agency shall	3. The Agency may acquire technical equipment by decision of the executive director in consultation with the management board and in accordance with the applicable procurement rules. Any acquisition or leasing of equipment entailing significant costs to the Agency shall	3. The Agency may acquire technical equipment by decision of the executive director in consultation with the management board and in accordance with the applicable procurement rules. Any acquisition or leasing of equipment entailing significant costs to the Agency shall	3. The Agency may acquire technical equipment by decision of the executive director in consultation with the management board and in accordance with the applicable procurement rules. Any acquisition or leasing of equipment entailing significant costs to the Agency shall

	Commission proposal	EP amendments	Council position	Compromise text proposals
	be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the management board.	be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the management board.	be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the management board.	be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the management board.
869	4. Where the Agency acquires or leases major technical equipment such as aircraft, helicopters or vessels, the following conditions shall apply:	4. Where the Agency acquires or leases major technical equipment such as aircraft, helicopters or vessels, the following conditions shall apply:	4. Where the Agency acquires or leases major technical equipment such as aircrafts, helicopters, <u>service vehicles</u> or vessels, the following conditions shall apply:	4. Where the Agency acquires or leases major technical equipment such as aircrafts, helicopters, <i>service vehicles</i> or vessels, the following conditions shall apply:
870	(a) in case of acquisition by the Agency or co-ownership, the Agency shall agree with one Member State that that Member State shall provide for the registration of the equipment in accordance with the applicable legislation of that Member State;	(a) in case of acquisition by the Agency or co-ownership, the Agency shall agree with one Member State that that Member State shall provide for the registration of the equipment in accordance with the applicable legislation of that Member State;	(a) in case of acquisition by the Agency or co-ownership, the Agency shall agree with one Member State that <del>the</del> Member State shall provide for the registration of the equipment in accordance with the applicable legislation of that Member State, <u>including prerogatives and immunities for such technical equipment under international law</u> ;	(a) in case of acquisition by the Agency or co-ownership, the Agency shall agree with one Member State that that Member State shall provide for the registration of the equipment <i>as being on government service</i> in accordance with the applicable legislation of that Member State, <i>including prerogatives and immunities for such technical equipment under international law</i> ;
871	(b) in case of leasing, the equipment shall be registered in a Member State.	(b) in case of leasing, the equipment shall be registered in a Member State.	(b) in case of leasing, the equipment shall be registered in a Member State.	(b) in case of leasing, the equipment shall be registered in a Member State.
872	5. On the basis of a model agreement drawn up by the Agency and approved by the management board, the Member State of registration and the Agency shall	5. On the basis of a model agreement drawn up by the Agency and approved by the management board, the Member State of registration and the Agency shall	5. On the basis of a model agreement drawn up by the Agency and approved by the management board, the Member State of registration and the Agency shall	5. On the basis of a model agreement drawn up by the Agency and approved by the management board, the Member State of registration and the Agency shall

	Commission proposal	EP amendments	Council position	Compromise text proposals
	agree on terms ensuring the operability of the equipment. In the case of co-owned assets, the terms shall also cover the periods of full availability of the assets for the Agency and determine the use of the equipment, including specific provisions on rapid deployment during rapid border interventions.	agree on terms ensuring the operability of the equipment. <b><i>In this regard, the Member State of registration shall authorise such equipment as being on government service.</i></b> In the case of co-owned assets, the terms shall also cover the periods of full availability of the assets for the Agency and determine the use of the equipment, including specific provisions on rapid deployment during rapid border interventions.	agree on terms ensuring the operability of the equipment. In the case of co-owned assets, the terms shall also cover the periods of full availability of the assets for the Agency and determine the use of the equipment, including specific provisions on rapid deployment during rapid border interventions <u>and the financing of these assets.</u>	agree on terms ensuring the operability of the equipment. In the case of co-owned assets, the terms shall also cover the periods of full availability of the assets for the Agency and determine the use of the equipment, including specific provisions on rapid deployment during rapid border interventions <b><i>and the financing of these assets.</i></b>
873	6. Where the Agency does not have the required qualified statutory staff, the Member State of registration or the supplier of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner. In such case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not invoke the exceptional situation referred to in Article 64(8).	6. Where the Agency does not have the required qualified statutory staff, the Member State of registration or the supplier of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner. <b><i>Where the Member State of registration offers the necessary experts and technical crew, they shall count as part of the contribution of that particular Member State to the standing corps.</i></b> In such case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of	6. Where the Agency does not have the required qualified statutory staff, the Member State of registration or the supplier of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner <u>in accordance with the model agreement referred to in paragraph 5 and planned on the basis of the annual bilateral negotiations referred to in Article 64(9).</u> In such case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may	6. Where the Agency does not have the required qualified statutory staff, the Member State of registration or the supplier of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner <b><i>in accordance with the model agreement referred to in paragraph 5 and planned on the basis of the annual bilateral negotiations referred to in Article 64(9).</i></b> In such case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not

	Commission proposal	EP amendments	Council position	Compromise text proposals
		registration may not invoke the exceptional situation referred to in Article 64(8). <i>When requesting a Member State to provide technical equipment and operational staff, the Agency shall take into account the particular operational challenges facing that Member State at the time of the request</i>	not invoke the exceptional situation referred to in Article 64(8).	invoke the exceptional situation referred to in Article 64(8). <i>When requesting a Member State to provide technical equipment and operational staff, the Agency shall take into account the particular operational challenges facing that Member State at the time of the request.</i>
<b>874</b>	Article 64	Article 64	Article 64	Article 64
<b>875</b>	Technical equipment pool	Technical equipment pool	Technical equipment pool	Technical equipment pool
<b>876</b>	1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States or by the Agency and equipment co-owned by the Member States and by the Agency for its operational activities.	1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States or by the Agency and equipment co-owned by the Member States and by the Agency for its operational activities.	1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States or by the Agency and equipment co-owned by the Member States and by the Agency for its operational activities.	1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States or by the Agency and equipment co-owned by the Member States and by the Agency for its operational activities.
<b>877</b>	2. Equipment solely owned by the Agency shall be fully available for deployment at any time as referred to in Article 63(5).	2. Equipment solely owned by the Agency shall be fully available for deployment at any time as referred to in Article 63(5).	2. Equipment solely owned by the Agency shall be fully available for deployment at any time as referred to in Article 63(5).	2. Equipment solely owned by the Agency shall be fully available for deployment at any time as referred to in Article 63(5).
<b>878</b>	3. Equipment co-owned by the Agency at a share of more than 50 % shall also be available for	3. Equipment co-owned by the Agency at a share of more than 50 % shall also be available for	3. Equipment co-owned by the Agency at a share of more than 50 % shall also be available for	3. Equipment co-owned by the Agency at a share of more than 50 % shall also be available for



	Commission proposal	EP amendments	Council position	Compromise text proposals
	deployment in accordance with an agreement between a Member State and the Agency as referred to in Article 64 (5).	deployment in accordance with an agreement between a Member State and the Agency as referred to in Article 64 (5).	deployment in accordance with an agreement between a Member State and the Agency as referred to in Article <del>64</del> (5).	deployment in accordance with an agreement between a Member State and the Agency as referred to in Article <del>64</del> <b>63</b> (5).
<b>879</b>	4. The Agency shall ensure the compatibility and interoperability of the equipment listed in the technical equipment pool.	4. The Agency shall ensure the compatibility and interoperability of the equipment listed in the technical equipment pool.	4. The Agency shall ensure the compatibility and interoperability of the equipment listed in the technical equipment pool.	4. The Agency shall ensure the compatibility and interoperability of the equipment listed in the technical equipment pool.
<b>880</b>	5. To that end, it shall define technical standards to be met by equipment for its deployment in the activities of the Agency, where necessary. Equipment to be acquired by the Agency, be it as sole or co-owner, and equipment owned by Member States which is listed in the technical equipment pool shall meet these standards.	5. To that end, it shall define technical standards to be met by equipment for its deployment in the activities of the Agency, where necessary. Equipment to be acquired by the Agency, be it as sole or co-owner, and equipment owned by Member States which is listed in the technical equipment pool shall meet these standards.	5. To that end, <del>the Agency, in</del> <u>close cooperation with the Member States and the Commission,</u> shall define technical standards to be met by equipment for its deployment in the activities of the Agency, where necessary. Equipment to be acquired by the Agency, be it as sole or co-owner, and equipment owned by Member States which is listed in the technical equipment pool shall meet these standards.	5. To that end, <del>the Agency, in</del> <b><i>close cooperation with the Member States and the Commission,</i></b> shall define technical standards to be met by equipment for its deployment in the activities of the Agency, where necessary. Equipment to be acquired by the Agency, be it as sole or co-owner, and equipment owned by Member States which is listed in the technical equipment pool shall meet these standards.
<b>881</b>	6. On a proposal of the executive director taking into account the Agency's risk analysis and the results of vulnerability assessments, the Management Board shall establish by 31 March the minimum number of items of technical equipment required to meet the needs of the Agency in the following year, in particular as regards carrying out	6. On a proposal of the executive director taking into account the Agency's risk analysis and the results of vulnerability assessments, the Management Board shall establish by 31 March the minimum number of items of technical equipment required to meet the needs of the Agency in the following year, in particular as regards carrying out	6. On a proposal of the executive director taking into account the Agency's risk analysis and the results of vulnerability assessments, the Management Board shall establish by 31 March the minimum number of items of technical equipment required to meet the needs of the Agency in the following year, in particular as regards carrying out	6. On a proposal of the executive director taking into account the Agency's risk analysis and the results of vulnerability assessments, the Management Board shall establish by 31 March the minimum number of items of technical equipment required to meet the needs of the Agency in the following year, in particular as regards carrying out

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	joint operations, migration management support team deployments, rapid border interventions, activities in the area of return, including return operations and return interventions. The Agency's own equipment shall be included in the minimum number of items of technical equipment. The same decision shall establish rules relating to the deployment of technical equipment in the operational activities.	joint operations, migration management support team deployments, rapid border interventions, activities in the area of return, including return operations and return interventions. The Agency's own equipment shall be included in the minimum number of items of technical equipment. The same decision shall establish rules relating to the deployment of technical equipment in the operational activities.	joint operations, migration management support team deployments, rapid border interventions, activities in the area of return, including return operations and return interventions. The Agency's own equipment shall be included in the minimum number of items of technical equipment. The same decision shall establish rules relating to the deployment of technical equipment in the operational activities.	joint operations, migration management support team deployments, rapid border interventions, activities in the area of return, including return operations and return interventions. The Agency's own equipment shall be included in the minimum number of items of technical equipment. The same decision shall establish rules relating to the deployment of technical equipment in the operational activities.
<b>882</b>	If the minimum number of items of technical equipment proves to be insufficient to carry out the operational plan agreed for such activities, the Agency shall revise it on the basis of justified needs and of an agreement with the Member States.	If the minimum number of items of technical equipment proves to be insufficient to carry out the operational plan agreed for such activities, the Agency shall revise it on the basis of justified needs and of an agreement with the Member States.	If the minimum number of items of technical equipment proves to be insufficient to carry out the operational plan agreed for such activities, the Agency shall revise it on the basis of justified needs and of an agreement with the Member States.	If the minimum number of items of technical equipment proves to be insufficient to carry out the operational plan agreed for such activities, the Agency shall revise it on the basis of justified needs and of an agreement with the Member States.
<b>883</b>	7. The technical equipment pool shall contain the minimum number of items of equipment identified as needed by the Agency per type of technical equipment. The equipment listed in the technical equipment pool shall be deployed during joint operations, migration management support team deployments, pilot projects, rapid border interventions,	7. The technical equipment pool shall contain the minimum number of items of equipment identified as needed by the Agency per type of technical equipment. The equipment listed in the technical equipment pool shall be deployed during joint operations, migration management support team deployments, pilot projects, rapid border interventions,	7. The technical equipment pool shall contain the minimum number of items of equipment identified as needed by the Agency per type of technical equipment. The equipment listed in the technical equipment pool shall be deployed during joint operations, migration management support team deployments, pilot projects, rapid	7. The technical equipment pool shall contain the minimum number of items of equipment identified as needed by the Agency per type of technical equipment. The equipment listed in the technical equipment pool shall be deployed during joint operations, migration management support team deployments, pilot projects, rapid

	Commission proposal	EP amendments	Council position	Compromise text proposals
	return operations or return interventions.	return operations or return interventions.	border interventions, return operations or return interventions.	border interventions, return operations or return interventions.
884	8. The technical equipment pool shall include a rapid reaction equipment pool containing a limited number of items of equipment needed for possible rapid border interventions. The contributions of Member States to the rapid reaction equipment pool shall be planned in accordance with the annual bilateral negotiations and agreements referred in paragraph 8. For the equipment on the list of the items in this pool, Member States may not invoke the exceptional situation referred to in paragraph 8.	8. The technical equipment pool shall include a rapid reaction equipment pool containing a limited number of items of equipment needed for possible rapid border interventions. The contributions of Member States to the rapid reaction equipment pool shall be planned in accordance with the annual bilateral negotiations and agreements referred in paragraph 8. For the equipment on the list of the items in this pool, Member States may not invoke the exceptional situation referred to in paragraph 8.	8. The technical equipment pool shall include a rapid reaction equipment pool containing a limited number of items of equipment needed for possible rapid border interventions. The contributions of Member States to the rapid reaction equipment pool shall be planned in accordance with the annual bilateral negotiations and agreements referred in paragraph 89. For the equipment on the list of the items in this pool, Member States may not invoke the exceptional situation referred to in paragraph 89.	8. The technical equipment pool shall include a rapid reaction equipment pool containing a limited number of items of equipment needed for possible rapid border interventions. The contributions of Member States to the rapid reaction equipment pool shall be planned in accordance with the annual bilateral negotiations and agreements referred in paragraph 89. For the equipment on the list of the items in this pool, Member States may not invoke the exceptional situation referred to in paragraph 89.
885	The equipment on this list shall be sent to the destination for deployment as soon as possible, and, in any event, no later than 10 days after the date on which the operational plan is agreed.	The equipment on this list shall be sent to the destination for deployment as soon as possible, and, in any event, no later than 10 days after the date on which the operational plan is agreed.	The equipment on this list <u>with competent staff</u> shall be sent <u>by the Member State concerned</u> to the destination for deployment as soon as possible, and, in any event, no later than 10 days after the date on which the operational plan is agreed.	The equipment on this list <i>with competent staff</i> shall be sent <i>by the Member State concerned</i> to the destination for deployment as soon as possible, and, in any event, no later than 10 days after the date on which the operational plan is agreed.
886	The Agency shall contribute to this pool with equipment at the Agency's disposal as referred to in Article 63 (1).	The Agency shall contribute to this pool with equipment at the Agency's disposal as referred to in Article 63 (1).	The Agency shall contribute to this pool with equipment at the Agency's disposal as referred to in Article 63 (1).	The Agency shall contribute to this pool with equipment at the Agency's disposal as referred to in Article 63 (1).
887	9. Member States shall contribute to the technical equipment pool. The	9. Member States shall contribute to the technical equipment pool. The	9. Member States shall contribute to the technical equipment	9. Member States shall contribute to the technical equipment

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	<p>contribution by Member States to the pool and deployment of the technical equipment for specific operations shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements and to the extent that it forms part of the minimum number of items of technical equipment for a given year, Member States shall make their technical equipment available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. If a Member State invokes such an exceptional situation, it shall provide, in writing, comprehensive reasons and information on the situation to the Agency, the content of which shall be included in the report referred to in paragraph 13. The Agency's request shall be made at least 45 days before the intended deployment of major technical equipment and 30 days before the intended deployment of other equipment. The contributions to the technical equipment pool shall be reviewed annually.</p>	<p>contribution by Member States to the pool and deployment of the technical equipment for specific operations shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements and to the extent that it forms part of the minimum number of items of technical equipment for a given year, Member States shall make their technical equipment available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. If a Member State invokes such an exceptional situation, it shall provide, in writing, comprehensive reasons and information on the situation to the Agency, the content of which shall be included in the report referred to in paragraph 13. The Agency's request shall be made at least 45 days before the intended deployment of major technical equipment and 30 days before the intended deployment of other equipment. The contributions to the technical equipment pool shall be reviewed annually.</p>	<p>pool. The contribution by Member States to the pool and deployment of the technical equipment for specific operations shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements and to the extent that it forms part of the minimum number of items of technical equipment for a given year, Member States shall make their technical equipment available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. If a Member State invokes such an exceptional situation, it shall provide, in writing, comprehensive reasons and information on the situation to the Agency, the content of which shall be included in the report referred to in paragraph 13. The Agency's request shall be made at least 45 days before the intended deployment of major technical equipment and 30 days before the intended deployment of other equipment. The contributions to the technical equipment pool shall be reviewed annually.</p>	<p>pool. The contribution by Member States to the pool and deployment of the technical equipment for specific operations shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements and to the extent that it forms part of the minimum number of items of technical equipment for a given year, Member States shall make their technical equipment available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. If a Member State invokes such an exceptional situation, it shall provide, in writing, comprehensive reasons and information on the situation to the Agency, the content of which shall be included in the report referred to in paragraph 13. The Agency's request shall be made at least 45 days before the intended deployment of major technical equipment and 30 days before the intended deployment of other equipment. The contributions to the technical equipment pool shall be reviewed annually.</p>

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>888</b>	10. On a proposal of the executive director, the management board shall decide, on a yearly basis, on the rules relating to technical equipment, including the required overall minimum numbers of items per type of technical equipment and the terms for the deployment and reimbursement of costs as well as on the limited number of items of technical equipment for a rapid reaction equipment pool. For budgetary purposes that decision should be taken by the management board by 31 March each year.	10. On a proposal of the executive director, the management board shall decide, on a yearly basis, on the rules relating to technical equipment, including the required overall minimum numbers of items per type of technical equipment and the terms for the deployment and reimbursement of costs as well as on the limited number of items of technical equipment for a rapid reaction equipment pool. For budgetary purposes that decision should be taken by the management board by 31 March each year.	10. On a proposal of the executive director, the management board shall decide, on a yearly basis, on the rules relating to technical equipment, including the required overall minimum numbers of items per type of technical equipment and the terms for the deployment and reimbursement of costs as well as on the limited number of items of technical equipment for a rapid reaction equipment pool. For budgetary purposes that decision should be taken by the management board by 31 March each year.	10. On a proposal of the executive director, the management board shall decide, on a yearly basis, on the rules relating to technical equipment, including the required overall minimum numbers of items per type of technical equipment and the terms for the deployment and reimbursement of costs as well as on the limited number of items of technical equipment for a rapid reaction equipment pool. For budgetary purposes that decision should be taken by the management board by 31 March each year.
<b>889</b>	11. If a rapid border intervention takes place, Article 40 (11) will apply accordingly.	11. If a rapid border intervention takes place, Article 40 (11) will apply accordingly.	11. If a rapid border intervention takes place, Article 40 (11) will apply accordingly.	11. If a rapid border intervention takes place, Article 40 (11) will apply accordingly.
<b>890</b>	12. If unexpected needs for technical equipment for a joint operation or a rapid border intervention arise after the minimum number of items of technical equipment has been set and those needs cannot be met from the technical equipment pool or the rapid reaction equipment pool, Member States shall, where possible, on an ad hoc basis, make the necessary technical equipment available for deployment to the Agency upon its request.	12. If unexpected needs for technical equipment for a joint operation or a rapid border intervention arise after the minimum number of items of technical equipment has been set and those needs cannot be met from the technical equipment pool or the rapid reaction equipment pool, Member States shall, where possible, on an ad hoc basis, make the necessary technical equipment available for deployment to the Agency upon its request.	12. If unexpected needs for technical equipment for a joint operation or a rapid border intervention arise after the minimum number of items of technical equipment has been set and those needs cannot be met from the technical equipment pool or the rapid reaction equipment pool, Member States shall, where possible, on an ad hoc basis, make the necessary technical equipment available for	12. If unexpected needs for technical equipment for a joint operation or a rapid border intervention arise after the minimum number of items of technical equipment has been set and those needs cannot be met from the technical equipment pool or the rapid reaction equipment pool, Member States shall, where possible, on an ad hoc basis, make the necessary technical equipment available for

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
			deployment to the Agency upon its request.	deployment to the Agency upon its request.
<b>891</b>	13. The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.	13. The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.	13. The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.	13. The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.
<b>892</b>	14. Member States shall register in the technical equipment pool all the means of transport and operating equipment purchased under the Specific Actions of the Internal Security Fund in accordance with Article 7(1) of Regulation (EU) No	14. Member States shall register in the technical equipment pool all the means of transport and operating equipment purchased under the Specific Actions of the Internal Security Fund in accordance with Article 7(1) of Regulation (EU) No	14. Member States shall register in the technical equipment pool all the means of transport and operating equipment purchased under the Specific Actions of the Internal Security Fund in accordance with Article 7(1) of Regulation (EU) No	14. Member States shall register in the technical equipment pool all the means of transport and operating equipment purchased under the Specific Actions of the Internal Security Fund in accordance with Article 7(1) of Regulation (EU) No

	Commission proposal	EP amendments	Council position	Compromise text proposals
	515/2014 of the European Parliament and of the Council <sup>10</sup> or, where relevant, any other dedicated Union funding made available to the Member States in view of increasing the operational capacity of the Agency. That technical equipment shall form part of the minimum number of items of technical equipment for a given year.	515/2014 of the European Parliament and of the Council <sup>11</sup> or, where relevant, any other dedicated Union funding made available to the Member States in view of increasing the operational capacity of the Agency. That technical equipment shall form part of the minimum number of items of technical equipment for a given year.	515/2014 of the European Parliament and of the Council <sup>12</sup> or, where relevant, any other <u>future</u> dedicated Union funding made available to the Member States <u>with the clear objective in view</u> of increasing the operational capacity of the Agency. That technical equipment shall form part of the minimum number of items of technical equipment for a given year.	515/2014 of the European Parliament and of the Council <sup>13</sup> or, where relevant, any other <b>future</b> dedicated Union funding made available to the Member States <b>with the clear objective in view</b> of increasing the operational capacity of the Agency. That technical equipment shall form part of the minimum number of items of technical equipment for a given year.
893	The Member States shall make that technical equipment co-financed under the Specific Actions of the Internal Security Fund or any other dedicated Union funding available for deployment to the Agency upon its request through the annual	The Member States shall make that technical equipment co-financed under the Specific Actions of the Internal Security Fund or any other dedicated Union funding available for deployment to the Agency upon its request through the annual	The Member States shall make that technical equipment co-financed under the Specific Actions of the Internal Security Fund or any other <u>future</u> dedicated Union funding available <u>as specified in the first subparagraph</u> for deployment to the	The Member States shall make that technical equipment co-financed under the Specific Actions of the Internal Security Fund or any other <b>future</b> dedicated Union funding available <b>as specified in the first subparagraph</b> for deployment to the

<sup>10</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>11</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>12</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>13</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

	Commission proposal	EP amendments	Council position	Compromise text proposals
	bilateral negotiations. Each item of equipment shall be made available for a period of minimum 5 months. In case of an operation referred to in Article 40 or in Article 43 of this Regulation, they may not invoke the exceptional situation referred to in paragraph 8 of this Article.	bilateral negotiations. Each item of equipment shall be made available for a period of minimum 5 months. In case of an operation referred to in Article 40 or in Article 43 of this Regulation, they may not invoke the exceptional situation referred to in paragraph 8 of this Article.	Agency upon its request through the annual bilateral negotiations. Each item of equipment shall be made available for a period of <del>minimum 5</del> <u>up to 4 months as planned in the annual bilateral negotiations</u> <sup>14</sup> . <u>Member State may decide to deploy the respective equipment beyond 4 months</u> . In case of an operation referred to in Article 40 or in Article 43 of this Regulation, they may not invoke the exceptional situation referred to in paragraph <del>8-9</del> of this Article.	Agency upon its request through the annual bilateral negotiations. Each item of equipment shall be made available for a period of <del>minimum 5</del> <u>up to 4 months as planned in the annual bilateral negotiations</u> <sup>15</sup> . <u>Member State may decide to deploy the respective equipment beyond 4 months</u> . In case of an operation referred to in Article 40 or in Article 43 of this Regulation, they may not invoke the exceptional situation referred to in paragraph <del>8-9</del> of this Article.
<b>894</b>	15. The Agency shall manage the records of the technical equipment pool as follows:	15. The Agency shall manage the records of the technical equipment pool as follows:	15. The Agency shall manage the records of the technical equipment pool as follows:	15. The Agency shall manage the records of the technical equipment pool as follows:
<b>895</b>	(a) classification by type of equipment and by type of operation;	(a) classification by type of equipment and by type of operation;	(a) classification by type of equipment and by type of operation;	(a) classification by type of equipment and by type of operation;
<b>896</b>	(b) classification by owner (Member State, agency, other);	(b) classification by owner (Member State, agency, other);	(b) classification by owner (Member State, agency, other);	(b) classification by owner (Member State, agency, other);
<b>897</b>	(c) overall numbers of items of equipment required;	(c) overall numbers of items of equipment required;	(c) overall numbers of items of equipment required;	(c) overall numbers of items of equipment required;

<sup>14</sup> New recital (53b) added for clarification.

<sup>15</sup> New recital (53b) added for clarification.



	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>898</b>	(d) crew requirements if applicable;	(d) crew requirements if applicable;	(d) crew requirements if applicable;	(d) crew requirements if applicable;
<b>899</b>	(e) other information, such as registration details, transportation and maintenance requirements, national applicable export regimes, technical instructions, or other information relevant to appropriate use of the equipment;	(e) other information, such as registration details, transportation and maintenance requirements, national applicable export regimes, technical instructions, or other information relevant to appropriate use of the equipment;	(e) other information, such as registration details, transportation and maintenance requirements, national applicable export regimes, technical instructions, or other information relevant to appropriate use of the equipment;	(e) other information, such as registration details, transportation and maintenance requirements, national applicable export regimes, technical instructions, or other information relevant to appropriate use of the equipment;
<b>900</b>	(f) indication whether an item of equipment was financed from Union funding.	(f) indication whether an item of equipment was financed from Union funding.	(f) indication whether an item of equipment was financed from Union funding.	(f) indication whether an item of equipment was financed from Union funding.
<b>901</b>	16. The Agency shall finance at 100 % the deployment of technical equipment which forms part of the minimum number of items of technical equipment provided by a given Member State for a given year. The deployment of technical equipment which does not form part of the minimum number of items of technical equipment shall be co-financed by the Agency up to a maximum of 100 % of the eligible expenses, taking into account the particular circumstances of the Member States deploying such technical equipment.	16. The Agency shall finance at 100 % the deployment of technical equipment which forms part of the minimum number of items of technical equipment provided by a given Member State for a given year. The deployment of technical equipment which does not form part of the minimum number of items of technical equipment shall be co-financed by the Agency up to a maximum of 100 % of the eligible expenses, taking into account the particular circumstances of the Member States deploying such technical equipment.	16. The Agency shall finance at 100 % the deployment of technical equipment which forms part of the minimum number of items of technical equipment provided by a given Member State for a given year. The deployment of technical equipment which does not form part of the minimum number of items of technical equipment shall be co-financed by the Agency up to a maximum of 100 % of the eligible expenses, taking into account the particular circumstances of the Member States deploying such technical equipment.	16. The Agency shall finance at 100 % the deployment of technical equipment which forms part of the minimum number of items of technical equipment provided by a given Member State for a given year. The deployment of technical equipment which does not form part of the minimum number of items of technical equipment shall be co-financed by the Agency up to a maximum of 100 % of the eligible expenses, taking into account the particular circumstances of the Member States deploying such technical equipment.
<b>902</b>	Article 65	Article 65	Article 65	Article 65

	Commission proposal	EP amendments	Council position	Compromise text proposals
903	Reporting on the Agency's capabilities	Reporting on the Agency's capabilities	Reporting on the Agency's capabilities	Reporting on the Agency's capabilities
904	1. On a proposal of the Executive Director, the Management Board shall adopt and submit to the European Parliament, the Council and the European Commission an annual report on the implementation of Articles 52, 56, 57, 58, 63 and 64.	1. On a proposal of the Executive Director, the Management Board shall adopt and submit to the European Parliament, the Council and the European Commission an annual report on the implementation of Articles 52, 56, 57, 58, 63 and 64.	1. On a proposal of the Executive Director, the Management Board shall adopt and submit to the European Parliament, the Council and the European Commission an annual report on the implementation of Articles 52, 56, 57, 58, 63 and 64.	1. On a proposal of the Executive Director, the Management Board shall adopt and submit to the European Parliament, the Council and the European Commission an annual report on the implementation of Articles 52, 56, 57, 58, 63 and 64.
905	2. The report shall include in particular	2. The report shall include in particular	2. The report shall include in particular	2. The report shall include in particular
906	(a) the number of operational staff that each Member State has committed to the European and Border Guard standing corps and the pool of forced return monitors;	(a) the number of operational staff that each Member State has committed to the European and Border Guard standing corps <del>and</del> <b>including</b> the pool of forced return monitors;	(a) the number of operational staff that each Member State has committed to the European <del>and</del> Border <u>and Coast</u> Guard standing corps and the pool of forced return monitors;	(a) the number of operational staff that each Member State has committed to the European <del>and</del> Border <b>and Coast</b> Guard standing corps, <b>including through the reserve for rapid reaction</b> and the pool of forced return monitors;
907	(b) the number of operational staff committed to the European and Border Guard standing corps by the Agency;	(b) the number of operational staff committed to the European and Border Guard standing corps by the Agency;	(b) the number of operational staff committed to the European <del>and</del> Border <u>and Coast</u> Guard standing corps by the Agency;	(b) the number of operational staff committed to the European <del>and</del> Border <b>and Coast</b> Guard standing corps by the Agency;
908	(c) the number of operational staff actually deployed from the European Border and Coast Guard standing corps by each Member State per profile in the previous year;	(c) the number of operational staff actually deployed from the European Border and Coast Guard standing corps by each Member State per profile in the previous year;	(c) the number of operational staff actually deployed from the European Border and Coast Guard standing corps by each Member State	(c) the number of operational staff actually deployed from the European Border and Coast Guard standing corps by each Member State

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
			and the Agency per profile in the previous year;	<i>and the Agency</i> per profile in the previous year;
<b>909</b>	(d) the number of items of technical equipment that each Member State and the Agency has committed to the technical equipment pool;	(d) the number of items of technical equipment that each Member State and the Agency has committed to the technical equipment pool;	(d) the number of items of technical equipment that each Member State and the Agency has committed to the technical equipment pool;	(d) the number of items of technical equipment that each Member State and the Agency has committed to the technical equipment pool;
<b>910</b>	(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool, with special reference to	(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool; <del>with special reference to</del>	(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool, with special reference to	(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool; <del>with special reference to</del>
<b>911</b>	(f) commitments to and the deployments from the Rapid Reaction Equipment Pool;	(f) commitments to and the deployments from the Rapid Reaction Equipment Pool;	(f) commitments to and the deployments from the Rapid Reaction Equipment Pool;	(f) commitments to and the deployments from the Rapid Reaction Equipment Pool;
<b>912</b>	(g) the development of the own human and technical capabilities of the Agency.	(g) the development of the own human and technical capabilities of the Agency.	(g) the development of the own human and technical capabilities of the Agency.	(g) the development of the own human and technical capabilities of the Agency.
<b>913</b>	3. That report shall list the Member States that invoked the exceptional situation referred to in Article 58 paragraph 7 and Article 64 paragraph 8 in the previous year and include the reasons and information provided by the Member State concerned.	3. That report shall list the Member States that invoked the exceptional situation referred to in Article 58 paragraph 7 and Article 64 paragraph 8 in the previous year and include the reasons and information provided by the Member State concerned.	3. That report shall list the Member States that invoked the exceptional situation referred to in Article 58 paragraph 7 and Article 64 paragraph 8 in the previous year and include the reasons and information provided by the Member State concerned.	3. That report shall list the Member States that invoked the exceptional situation referred to in Article 58 paragraph 7 and Article 64 paragraph 8 in the previous year and include the reasons and information provided by the Member State concerned.
<b>914</b>	4. To ensure transparency, the Management Board shall be	4. To ensure transparency, the Management Board shall be	4. To ensure transparency, the Management Board shall be	4. To ensure transparency, the Management Board shall be

	Commission proposal	EP amendments	Council position	Compromise text proposals
	informed on a quarterly basis on the elements indicated in paragraph 2 in relation to the ongoing year.	informed on a quarterly basis on the elements indicated in paragraph 2 in relation to the ongoing year.	informed on a quarterly basis on the elements indicated in paragraph 2 in relation to the ongoing year.	informed on a quarterly basis on the elements indicated in paragraph 2 in relation to the ongoing year.
<b>915</b>	Article 66	Article 66	Article 66	Article 66
<b>916</b>	Research and innovation	Research and innovation	Research and innovation	Research and innovation
<b>917</b>	<p>1. The Agency shall proactively monitor and contribute to research and innovation activities relevant for European Integrated Border Management including the use of advanced surveillance technology, taking into account the capability roadmap referred to in Article 9 (4). The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.</p>	<p>1. The Agency shall proactively monitor and contribute to research and innovation activities relevant for European Integrated Border Management <del>including the use of advanced surveillance technology,</del> taking into account the capability roadmap referred to in Article 9 (4). The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.</p>	<p>1. The Agency shall proactively monitor and contribute to research and innovation activities relevant for European Integrated Border Management including the use of advanced <u>border control surveillance</u> technology, taking into account the capability roadmap referred to in Article 9 (4). The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.</p>	<p>1. The Agency shall proactively monitor and contribute to research and innovation activities relevant for European Integrated Border Management including the use of advanced <b>border control surveillance</b> technology, taking into account the capability roadmap referred to in Article 9 (4). The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.</p>
<b>918</b>	<p>2. The Agency, taking into account the capability roadmap referred to in Article 9 (4). shall assist the Member States and the Commission in identifying key research themes. The Agency shall assist Member States</p>	<p>2. The Agency, taking into account the capability roadmap referred to in Article 9 (4). shall assist the Member States and the Commission in identifying key research themes. The Agency shall assist Member States</p>	<p>2. The Agency, taking into account the capability roadmap referred to in Article 9 (<del>64</del>). shall assist the Member States and the Commission in identifying key research themes. The Agency shall</p>	<p>2. The Agency, taking into account the capability roadmap referred to in Article 9 <del>(4)</del> <b>(6)</b> shall assist the Member States and the Commission in identifying key research themes. The Agency shall</p>

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	and the Commission in drawing up and implementing the relevant Union framework programmes for research and innovation activities.	and the Commission in drawing up and implementing the relevant Union framework programmes for research and innovation activities.	assist Member States and the Commission in drawing up and implementing the relevant Union framework programmes for research and innovation activities.	assist Member States and the Commission in drawing up and implementing the relevant Union framework programmes for research and innovation activities.
<b>919</b>	3. The Agency shall implement the parts of the Framework Programme for Research and Innovation which relate to border security. For that purpose, and where the Commission has delegated the relevant powers to it, the Agency shall have the following tasks:	3. The Agency shall implement the parts of the Framework Programme for Research and Innovation which relate to border security. For that purpose, and where the Commission has delegated the relevant powers to it, the Agency shall have the following tasks:	3. The Agency shall implement the parts of the Framework Programme for Research and Innovation which relate to border security. For that purpose, and where the Commission has delegated the relevant powers to it, the Agency shall have the following tasks:	3. The Agency shall implement the parts of the Framework Programme for Research and Innovation which relate to border security. For that purpose, and where the Commission has delegated the relevant powers to it, the Agency shall have the following tasks:
<b>920</b>	(a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission;	(a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission;	(a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission;	(a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission;
<b>921</b>	(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme;	(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme;	(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme;	(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme;
<b>922</b>	(c) providing support in programme implementation.	(c) providing support in programme implementation.	(c) providing support in programme implementation.	(c) providing support in programme implementation.

	Commission proposal	EP amendments	Council position	Compromise text proposals
923	4. The Agency may plan and implement pilot projects regarding matters covered by this Regulation.	4. The Agency may plan and implement pilot projects <i>where necessary for the implementation of obligations provided for under</i> regarding matters covered by this Regulation.	4. The Agency may plan and implement pilot projects regarding matters covered by this Regulation.	4. The Agency may plan and implement pilot projects regarding matters covered by this Regulation.
924		<i>4 a. The Agency shall make public all its research projects, including demonstration projects, the cooperation partners involved and the project budget.</i>		5. <i>The Agency shall make public information on <del>all its</del> research projects, including demonstration projects, the cooperation partners involved and the project budget.</i>  <i>Rationale: Depending on the sensitivity of the projects. Summaries can be made available</i> <b>OK</b> <b>EP is against the Council's deletion. Should any information is sensitive, there are general rules that apply and are in place to ensure that such information is not made public.</b>
925	Article 67		<u>Article 67<sup>16</sup></u>	The text of this Article was moved to Article 9
926	Establishment of the plans	Establishment of the plans	<u>Establishment of the plans in the context of integrated planning</u>	

<sup>16</sup> Text moved to Article 9.

	Commission proposal	EP amendments	Council position	Compromise text proposals
927	1. Plans being part of the integrated planning for border management and return referred to in Article 9 shall be established in accordance with paragraphs 2, 3 and 4.	1. Plans being part of the integrated planning for border management and return referred to in Article 9 shall be established in accordance with paragraphs 2, 3 and 4.	<del>1. Plans being part of the integrated planning for border management and return referred to in Article 9 shall be established in accordance with paragraphs 2, 3 and 4.</del>	
928	2. Member States and the Agency shall establish operational plans for border management and returns. The operational plans of Member States related to border sections with high and critical impact levels shall be established in cooperation with neighbouring Member States and with the Agency. For the activities of the Agency, operational planning for the following year shall be defined in annex to the single programming document referred to in Article 100 and for each specific operational activity through the operational plan referred to in Article 39 and Article 75(3).	2. Member States and the Agency shall establish operational plans for border management and returns. The operational plans of Member States related to border sections with <i>a</i> high and critical impact levels <i>level</i> shall be established in cooperation with neighbouring Member States and with the Agency. For the activities of the Agency, operational planning for the following year shall be defined in annex to the single programming document referred to in Article 100 and for each specific operational activity through the operational plan referred to in Article 39 and Article 75(3).	<del>2. Member States and the Agency shall establish operational plans for border management and returns. The operational plans of Member States related to border sections with high and critical impact levels shall be established in cooperation with neighbouring Member States and with the Agency. For the activities of the Agency, operational planning for the following year shall be defined in annex to the single programming document referred to in Article 100 and for each specific operational activity through the operational plan referred to in Article 39 and Article 75(3).</del>	
929	3. Member States shall adopt a contingency plan for the management of their borders and return. In line with the national integrated border management strategy, the contingency plans shall describe all the necessary measures and resources	3. Member States shall adopt a contingency plan for the management of their borders and return. In line with the national integrated border management strategy, the contingency plans shall describe all the necessary measures and resources	<del>3. Member States shall adopt a contingency plan for the management of their borders and return. In line with the national integrated border management strategy, the contingency plans shall describe all the necessary measures and resources</del>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	for the possible reinforcement of capabilities including logistics and support both at national level and from the Agency.	for the possible reinforcement of capabilities including logistics and support both at national level and from the Agency.	<del>for the possible reinforcement of capabilities including logistics and support both at national level and from the Agency.</del>	
930	The corresponding scenarios and the part of the contingency plans requiring additional support from the European Border and Coast Guard shall be jointly prepared by each Member State and the Agency in close coordination with neighbouring Member States.	The corresponding scenarios and the part of the contingency plans requiring additional support from the European Border and Coast Guard shall be jointly prepared by each Member State and the Agency in close coordination with neighbouring Member States.	<del>The corresponding scenarios and the part of the contingency plans requiring additional support from the European Border and Coast Guard shall be jointly prepared by each Member State and the Agency in close coordination with neighbouring Member States.</del>	
931	4. Member States shall adopt a capability development plan for border management and return in line with their national integrated border management strategy. The capability development plan shall describe the scenario envisaged and the related medium to long-term evolution of the national capabilities for border management and return.	4. Member States shall adopt a capability development plan for border management and return in line with their national integrated border management strategy. The capability development plan shall describe the scenario envisaged and the related medium to long-term evolution of the national capabilities for border management and return.	<del>4. Member States shall adopt a capability development plan for border management and return in line with their national integrated border management strategy. The capability development plan shall describe the scenario envisaged and the related medium to long-term evolution of the national capabilities for border management and return.</del>	
932	The national capability development plan shall address in particular the recruitment and training policy of the border guards and return specialists, the acquisition and maintenance of equipment and the necessary research and development activities and the corresponding financial aspects.	The national capability development plan shall address in particular the recruitment and training policy of the border guards, <b>and return specialists, <i>return escorts and forced-return monitors</i></b> , the acquisition and maintenance of equipment and the necessary research and development	<del>The national capability development plan shall address in particular the recruitment and training policy of the border guards and return specialists, the acquisition and maintenance of equipment and the necessary research and development activities and the corresponding financial aspects.</del>	



	Commission proposal	EP amendments	Council position	Compromise text proposals
		activities and the corresponding financial aspects.		
933	5. The Agency shall establish a synthesis of the national capability development plans and a multiannual strategy for the acquisition of the Agency's equipment referred to in Article 63 and the multiannual planning of profiles for the European Border and Coast Guard standing corps.	5. The Agency shall establish a synthesis of the national capability development plans and a multiannual strategy for the acquisition of the Agency's equipment referred to in Article 63 and the multiannual planning of profiles for the European Border and Coast Guard standing corps.	<del>5. The Agency shall establish a synthesis of the national capability development plans and a multiannual strategy for the acquisition of the Agency's equipment referred to in Article 63 and the multiannual planning of profiles for the European Border and Coast Guard standing corps.</del>	
934	The Agency shall share this synthesis with the Member States and the Commission with a view to identify possible synergies and opportunities for cooperation in the various areas covered by the capability development plans, including joint procurements. Based on the identified synergies, the Agency may invite the Member States to participate in follow up actions for cooperation.	The Agency shall share this synthesis with the Member States and the Commission with a view to identify possible synergies and opportunities for cooperation in the various areas covered by the capability development plans, including joint procurements. Based on the identified synergies, the Agency may invite the Member States to participate in follow up actions for cooperation.	<del>The Agency shall share this synthesis with the Member States and the Commission with a view to identify possible synergies and opportunities for cooperation in the various areas covered by the capability development plans, including joint procurements. Based on the identified synergies, the Agency may invite the Member States to participate in follow up actions for cooperation.</del>	
935	6. The capability development roadmap referred to in Article 9(4) shall be proposed by the Executive Director on the basis of the synthesis of the national capability development plans taking into	6. The capability development roadmap referred to in Article 9(4) shall be proposed by the Executive Director on the basis of the synthesis of the national capability development plans taking into	<del>6. The capability development roadmap referred to in Article 9(4) shall be proposed by the Executive Director on the basis of the synthesis of the national capability development plans taking into</del>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	account, inter alia, the results of the risk analysis and vulnerability assessments carried out in accordance with Article 33 and the Agency's own multiannual plans.	account, inter alia, the results of the risk analysis and vulnerability assessments carried out in accordance with Article 33 and the Agency's own multiannual plans.	<del>account, inter alia, the results of the risk analysis and vulnerability assessments carried out in accordance with Article 33 and the Agency's own multiannual plans.</del>	
936	7. The methodology and the procedure to establish the scenarios referred to in paragraph 2 and the plans referred to in paragraphs 3, 4 and 5 shall be adopted by the Agency's Management Board on a proposal by the Executive Director.	7. The methodology and the procedure to establish the scenarios referred to in paragraph 2 and the plans referred to in paragraphs 3, 4 and 5 shall be adopted by the Agency's Management Board on a proposal by the Executive Director.	<del>7. The methodology and the procedure to establish the scenarios referred to in paragraph 2 and the plans referred to in paragraphs 3, 4 and 5 shall be adopted by the Agency's Management Board, after consultation with the Member States, on a proposal by the Executive Director.</del>	
937	Section 10		Section 10	Section 10
938	The European Travel Information and Authorisation System (ETIAS)		The European Travel Information and Authorisation System (ETIAS)	The European Travel Information and Authorisation System (ETIAS)
939	Article 68		Article 68	Article 68
940	Creation of the ETIAS Central Unit	Creation of the ETIAS Central Unit	Creation of the ETIAS Central Unit	Creation of the ETIAS Central Unit
941	1. An ETIAS Central Unit is established.	1. An ETIAS Central Unit is established.	1. An ETIAS Central Unit is established.	1. An ETIAS Central Unit is established.
942	2. The Agency shall ensure the setting-up and operation of an ETIAS Central Unit referred to in Article 7 of [Regulation establishing a	2. The Agency shall ensure the setting-up and operation of an ETIAS Central Unit referred to in Article 7 of <b>Regulation (EU) 2018/1240.</b> <del>[Regulation establishing a European</del>	2. The Agency shall ensure the setting-up and operation of an ETIAS Central Unit referred to in Article 7 of <del>[Regulation EU 2018/1240</del> establishing a European Travel	2. The Agency shall ensure the setting-up and operation of an ETIAS Central Unit referred to in Article 7 of <del>[Regulation EU 2018/1240</del> establishing a European Travel

	Commission proposal	EP amendments	Council position	Compromise text proposals
	European Travel Information and Authorisation System (ETIAS)]."]	<del>Travel Information and Authorisation System (ETIAS)]."]</del>	Information and Authorisation System (ETIAS)]."]	Information and Authorisation System (ETIAS)]."]
943	Section 11		Section 11	Section 11
944	Cooperation		Cooperation	Cooperation
945	Sub Section 1		Sub Section 1	<del>Sub Section 1</del>
946	Cooperation within the EU	<del>Cooperation within the EU</del>	Cooperation within the EU	<del>Cooperation within the EU</del>
947	Article 69		Article 69	Article 69
948	Cooperation of the Agency with Union institutions, bodies, offices, agencies, and international organisations	Cooperation of the Agency with Union institutions, bodies, offices, agencies, and international organisations	Cooperation of the Agency with Union institutions, bodies, offices, agencies, and international organisations	Cooperation of the Agency with Union institutions, bodies, offices, agencies, and international organisations
949	1. The Agency shall cooperate with Union institutions, bodies, offices and agencies, and international organisations, within their respective legal frameworks and make use of existing information, capabilities and systems available in the framework of EUROSUR.	1. The Agency shall cooperate with Union institutions, bodies, offices and agencies, <del>and international organisations</del> , within their respective legal frameworks and make use of existing information, capabilities and systems available in the framework of EUROSUR.	1. The Agency shall cooperate with Union institutions, bodies, offices and agencies, and international organisations, within their respective legal frameworks and make use of existing information, capabilities and systems available in the framework of EUROSUR.	1. The Agency shall cooperate with Union institutions, bodies, offices and agencies, and international organisations, within their respective legal frameworks and make use of existing information, capabilities and systems available in the framework of EUROSUR.
950	In accordance with paragraph 1, the Agency shall cooperate in particular with:	In accordance with paragraph 1, the Agency shall cooperate <del>in particular</del> with <i>the following</i> :	In accordance with paragraph 1, the Agency shall cooperate in particular with:	In accordance with paragraph 1, the Agency shall cooperate in particular with:
951	(a) the Commission and the European External Action Service;	(a) the Commission and the European External Action Service;	(a) the Commission and the European External Action Service;	(a) the Commission and the European External Action Service;

	Commission proposal	EP amendments	Council position	Compromise text proposals
952	(b) the European Police Office (Europol);	(b) the European Police Office (Europol);	(b) the European Police Office (Europol);	(b) the European Police Office (Europol);
953	(c) the European Asylum Agency;	(c) [the European <i>Union Agency for Asylum Agency</i> ];	(c) the European Asylum Agency;	(c) European [the European <b>Union Agency for Asylum Agency</b> ];  <b>The EP suggests to change the reference to the EUAA to the European Asylum Support Office.</b>
954	(d) the European Union Agency for Fundamental Rights;	(d) the European Union Agency for Fundamental Rights;	(d) the European Union Agency for Fundamental Rights;	(d) the European Union Agency for Fundamental Rights;
955	(e) Eurojust;	(e) Eurojust;	(e) Eurojust;	(e) Eurojust;
956	(f) the European Union Satellite Centre;	(f) the European Union Satellite Centre;	(f) the European Union Satellite Centre;	(f) the European Union Satellite Centre;
957	(g) the European Maritime Safety Agency and the European Fisheries Control Agency;	(g) the European Maritime Safety Agency and the European Fisheries Control Agency;	(g) the European Maritime Safety Agency and the European Fisheries Control Agency;	(g) the European Maritime Safety Agency and the European Fisheries Control Agency;
958	(h) the European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice;	(h) the European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice;	(h) the European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice;	(h) the European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice;
959	(i) the European Aviation Safety Agency and the Network Manager established under the Regulation (EU) No 677/2011 laying down detailed rules for the implementation of air traffic	(i) the European Aviation Safety Agency and the Network Manager established under the Regulation (EU) No 677/2011 laying down detailed rules for the implementation of air traffic	(i) the European Aviation Safety Agency and the Network Manager established under the Regulation (EU) No 677/2011 laying down detailed rules for the implementation of air traffic	(i) the European Aviation Safety Agency and the Network Manager established under the Regulation (EU) No 677/2011 laying down detailed rules for the implementation

	Commission proposal	EP amendments	Council position	Compromise text proposals
	management (ATM) network functions;	management (ATM) network functions;	management (ATM) network functions;	of air traffic management (ATM) network functions;
960	(j) the Maritime Analysis and Operations Centre - Narcotics (MAOC-N);	(j) the Maritime Analysis and Operations Centre - Narcotics (MAOC-N);	(j) the Maritime Analysis and Operations Centre - Narcotics (MAOC-N);	(j) the Maritime Analysis and Operations Centre - Narcotics (MAOC-N);
961	(k) Missions and operations of the Common Security and Defence Policy.	<del>(k) Missions and operations of the Common Security and Defence Policy.</del>	(k) Missions and operations of the Common Security and Defence Policy.	<p>(k) Missions and operations of the Common Security and Defence Policy, <b><i>in accordance with their mandates with a view to ensuring the following:</i></b></p> <p><b><i>(i) promotion of European integrated border management standards,</i></b></p> <p><b><i>(ii) situational awareness and risk analysis,</i></b></p> <p><b><i>(iii) logistical and technical support for the deployment of Agency's operations.</i></b></p> <p><b><i>(i) synergies in planning and operational conduct, including making use of relevant expertise;</i></b></p> <p><b><i>(iii) situational awareness, information sharing and risk analysis,</i></b></p>
962		<i>The Agency may also cooperate with the following international organisations relevant to its tasks,</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>within their respective legal frameworks:</i>		
963		<i>(a) the United Nations through its relevant offices, agencies, organisations and other entities, in particular the Office of the United Nations High Commissioner for Refugees, the Office of the High Commissioner for Human Rights, the International Organization for Migration, the United Nations Office on Drugs and Crime and the International Civil Aviation Organization;</i>		<i>(l) the United Nations through its relevant offices, agencies, organisations and other entities, in particular the Office of the United Nations High Commissioner for Refugees, the Office of the High Commissioner for Human Rights, the International Organization for Migration, the United Nations Office on Drugs and Crime and the International Civil Aviation Organization;</i>
964		<i>(b) the International Criminal Police Organization (INTERPOL);</i>		<i>(m) the International Criminal Police Organization (INTERPOL);</i>
965		<i>(c) the Organisation for Security and Cooperation in Europe;</i>		<i>(n) the Organisation for Security and Cooperation in Europe;</i>
966		<i>(d) the World Customs Organisation;</i>		<i>(o) the World Customs Organisation;</i>
967		<i>The Agency shall cooperate with the Council of Europe and the Commissioner for Human Rights of the Council of Europe for the purposes of overseeing the pool of forced-return monitors.</i>		<i>The Agency shall cooperate with the Council of Europe and the Commissioner for Human Rights of the Council of Europe for the purposes of overseeing the pool of forced-return monitors.</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p>Note: Subject to final decision on the involvement of Council of Europe in the activities of the forced return monitors.</p> <p>This wording deviates extremely far from the current text on the CPT on the table, under which visits may be allowed, but there is no 'overseeing' of the pool involved. Enumeration of CoE and CPT as in previous letters is the maximum possible, subject to the result of the 4<sup>th</sup> trilogue.</p> <p><b>This amendment is linked to the original CPT proposal from the EP. The wording would need to be adjusted in the end part of the Paragraph.</b></p>
968	<p>2. Cooperation referred to in paragraph 1 shall take place within the framework of working arrangements concluded with the entities referred to in paragraph 1. Such arrangements shall have received the Commission's prior approval. In every case, the Agency shall inform the European Parliament of any such arrangements.</p>	<p>2. Cooperation referred to in paragraph 1 shall take place within the framework of working arrangements concluded with the entities referred to in paragraph 1. Such arrangements shall have received the Commission's prior approval <b>of the Commission, and of the European Data Protection Supervisor in so far as the working arrangements concern the exchange of personal data.</b> In every case, the</p>	<p>2. Cooperation referred to in paragraph 1 shall take place within the framework of working arrangements concluded with the entities referred to in paragraph 1. Such arrangements shall have received the Commission's prior approval. In every case, the Agency shall inform the European Parliament of any such arrangements.</p>	<p>2. Cooperation referred to in paragraph 1 shall take place within the framework of working arrangements concluded with the entities referred to in paragraph 1. Such arrangements shall have received the Commission's prior approval. In every case, the Agency shall inform the European Parliament <b>and the Council</b> of any such arrangements.</p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		Agency shall inform the European Parliament of any such arrangements <i>and make them publicly available. Such arrangements should clearly indicate the scope, the extent and the level of intrusiveness of the proposed measure to assess the necessity and proportionality of the measure at stake.</i>		
969	3. As regards the handling of classified information, those arrangements shall provide that the Union body, office or agency or international organisation concerned comply with security rules and standards equivalent to those applied by the Agency. An assessment visit shall be conducted prior to the conclusion of the arrangement and the Commission shall be informed of the outcome of the assessment visit.	3. As regards the handling of classified information, those arrangements shall provide that the Union body, office or agency or international organisation concerned comply with security rules and standards equivalent to those applied by the Agency. An assessment visit shall be conducted prior to the conclusion of the arrangement and the Commission shall be informed of the outcome of the assessment visit.	3. As regards the handling of classified information, those arrangements shall provide that the Union body, office or agency or international organisation concerned comply with security rules and standards equivalent to those applied by the Agency. An assessment visit shall be conducted prior to the conclusion of the arrangement and the Commission shall be informed of the outcome of the assessment visit.	3. As regards the handling of classified information, those arrangements shall provide that the Union body, office or agency or international organisation concerned comply with security rules and standards equivalent to those applied by the Agency. An assessment visit shall be conducted prior to the conclusion of the arrangement and the Commission shall be informed of the outcome of the assessment visit.
970	4. In carrying out activities under this Regulation, the Agency shall cooperate with the Commission and, where relevant, with Member States and the European External Action Service. Although outside the scope of this Regulation, it shall also engage in such cooperation in activities relating to the customs area including risk management, where	4. In carrying out activities under this Regulation, the Agency shall cooperate with the Commission and, where relevant, with Member States and the European External Action Service. Although outside the scope of this Regulation, it shall also engage in such cooperation in activities relating to the customs area including risk management, where	4. In carrying out activities under this Regulation, the Agency shall cooperate with the Commission and, where relevant, with Member States and the European External Action Service. Although outside the scope of this Regulation, it shall also engage in such cooperation in activities relating to the customs area including risk management, where	4. In carrying out activities under this Regulation, the Agency shall cooperate with the Commission and, where relevant, with Member States and the European External Action Service. Although outside the scope of this Regulation, it shall also engage in such cooperation in activities relating to the customs area including risk management, where



	Commission proposal	EP amendments	Council position	Compromise text proposals
	these activities may support each other. This cooperation shall be without prejudice to the existing competences of the Commission, of the High Representative of the Union for Foreign Affairs and Security Policy and of the Member States.	these activities may support each other. This cooperation shall be without prejudice to the existing competences of the Commission, of the High Representative of the Union for Foreign Affairs and Security Policy and of the Member States.	these activities may support each other. This cooperation shall be without prejudice to the existing competences of the Commission, of the High Representative of the Union for Foreign Affairs and Security Policy and of the Member States.	these activities may support each other. This cooperation shall be without prejudice to the existing competences of the Commission, of the High Representative of the Union for Foreign Affairs and Security Policy and of the Member States.
971	5. The Union institutions, bodies, offices, agencies and international organisations referred to in paragraph 1, shall use information received from the Agency only within the limits of their competences and insofar as they respect fundamental rights, including data protection requirements. Onward transmission or other communication of personal data processed by the Agency to other Union institutions, bodies, offices and agencies shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior approval of the European Data Protection Supervisor. Any transfer of personal data by the Agency shall be in line with the data protection provisions laid down in Articles 87 to 90. As regards the handling of classified information, those arrangements shall	5. The Union institutions, bodies, offices, <del>and agencies and international organisations</del> referred to in paragraph 1, shall use information received from the Agency only within the limits of their competences and insofar as they respect fundamental rights, including data protection requirements. Onward transmission or other communication of personal data processed by the Agency to other Union institutions, bodies, offices and agencies <b>may only take place if there is a legal basis in Union law, and it shall not lead to the processing of personal data for other incompatible purposes pursuant to Article 6 of Regulation (EU) 2018/1725</b> , shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior approval of the European Data Protection	5. The Union institutions, bodies, offices, agencies and international organisations referred to in paragraph 1, shall use information received from the Agency only within the limits of their competences and insofar as they respect fundamental rights, including data protection requirements. Onward transmission or other communication of personal data processed by the Agency to other Union institutions, bodies, offices and agencies shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior approval of the European Data Protection Supervisor. Any transfer of personal data by the Agency shall be in line with the data protection provisions laid down in Articles 87 to 90. As regards the handling of classified information, those arrangements shall	5. The Union institutions, bodies, offices, agencies and international organisations referred to in paragraph 1, shall use information received from the Agency only within the limits of their competences and insofar as they respect fundamental rights, including data protection requirements. <del>Onward Any transmission or other communication</del> of personal data processed by the Agency to other Union institutions, bodies, offices and agencies <b>referred to in Article 88 (1) c) and d)</b> shall be subject to specific working arrangements regarding the exchange of personal data. <del>and subject to the prior approval of the European Data Protection Supervisor.</del> <b>Such arrangements shall include a provision ensuring that personal data transmitted to the Union bodies, offices and agencies by the Agency may be processed for another</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	<p>provide that the Union institution, body, office, agency or international organisation concerned shall comply with security rules and standards equivalent to those applied by the Agency.</p>	<p>Supervisor. <i>The European Border and Coast Guard Agency shall keep record of the onward transfers and of the justification for such transfers. The European Data Protection Supervisor shall have the possibility to verify their lawfulness, and, in particular, compliance with the principles of necessity and proportionality.</i> Any transfer of personal data by the Agency shall be in line with the data protection provisions laid down in Articles 87 to 90 <i>and with Regulation (EU) 2018/1725.</i> As regards the handling of classified information, those arrangements shall provide that the Union institution, body, office, agency or international organisation concerned shall comply with security rules and standards equivalent to those applied by the Agency.</p>	<p>provide that the Union institution, body, office, agency or international organisation concerned shall comply with security rules and standards equivalent to those applied by the Agency.</p>	<p><i>purpose only if authorised by the Agency and if compatible with the initial purpose for which the data were collected and transmitted by the Agency. The Union bodies, offices and agencies shall keep written records of a case-by-case compatibility assessment.</i></p> <p>Any transfer of personal data by the Agency <i>to the international organisations referred to in Article 88(1) c)</i> shall be <i>in accordance</i> with the data protection provisions laid down in Articles 87 to 90a.</p> <p><i>In particular, the Agency shall ensure that any working arrangement concluded with such international organisations regarding the exchange of personal data complies with Chapter V of Regulation (EU) 2018/1725. Where appropriate safeguards are provided by provisions in accordance with Article 48(3)(b) of Regulation 2018/1725, they shall be subject to the authorisation from the European Data Protection Supervisor.</i></p> <p><i>The Agency shall ensure that personal data transferred to international organisations is only processed for the purposes for which it was transferred.</i></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				As regards the handling of classified information, those arrangements shall provide that the Union institution, body, office, agency or international organisation concerned shall comply with security rules and standards equivalent to those applied by the Agency.  <b>EP against addition</b>
972		<i>5a. The Agency shall ensure that personal data transferred or disclosed to international organisations is only processed for the purposes for which it was transferred or disclosed. The Agency shall ensure that working arrangements concluded with international organisations fully respect the Union data protection law, and in particular Chapter V of Regulation (EU) 2018/679.</i>		
973	6. Information between the Agency and the Union bodies, offices and agencies, and international organisations, referred to in paragraph 2 shall be exchanged via the communication network referred to in Article 14 or via other accredited information exchange systems which fulfil the criteria of	6. Information between the Agency and the Union bodies, offices and agencies, and international organisations, referred to in paragraph 2 shall be exchanged via the communication network referred to in Article 14 or via other accredited information exchange systems which fulfil the criteria of	6. Information between the Agency and the Union bodies, offices and agencies, and international organisations, referred to in paragraph 2 shall be exchanged via the communication network referred to in Article 14 or via other accredited information exchange systems which fulfil the criteria of	6. Information between the Agency and the Union bodies, offices and agencies, and international organisations, referred to in paragraph 2 shall be exchanged via the communication network referred to in Article 14 or via other accredited information exchange systems which fulfil the criteria of

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	availability, confidentiality and integrity.	availability, confidentiality and integrity.	availability, confidentiality and integrity.	availability, confidentiality and integrity.
<b>974</b>	Article 70	Article 70	Article 70	Article 70
<b>975</b>	European cooperation on coast guard functions	European cooperation on coast guard functions	European cooperation on coast guard functions	European cooperation on coast guard functions
<b>976</b>	1. Without prejudice to EUROSUR, the Agency shall, in cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:	1. Without prejudice to EUROSUR, the Agency shall, in cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:	1. Without prejudice to EUROSUR, the Agency shall, in cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:	1. Without prejudice to EUROSUR, the Agency shall, in cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:
<b>977</b>	(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;	(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;	(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;	(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;
<b>978</b>	(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;	(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;	(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;	(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;

	Commission proposal	EP amendments	Council position	Compromise text proposals
979	(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;	(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;	(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;	(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;
980	(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;	(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;	(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;	(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;
981	(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.	(e) sharing capacity by planning and implementing multipurpose operations, <b>including Search and Rescue</b> , and by sharing assets and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.	(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.	(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned <b>and to support search and rescue operations</b> .
982	2. The precise forms of cooperation on coast guard functions between the Agency, the European Fisheries Control Agency and the European Maritime Safety Agency shall be determined in a working arrangement, in accordance with their respective mandates and the	2. The precise forms of cooperation on coast guard functions between the Agency, the European Fisheries Control Agency and the European Maritime Safety Agency shall be determined in a working arrangement, in accordance with their respective mandates and the financial	2. The precise forms of cooperation on coast guard functions between the Agency, the European Fisheries Control Agency and the European Maritime Safety Agency shall be determined in a working arrangement, in accordance with their respective mandates and the	2. The precise forms of cooperation on coast guard functions between the Agency, the European Fisheries Control Agency and the European Maritime Safety Agency shall be determined in a working arrangement, in accordance with their respective mandates and the financial

	Commission proposal	EP amendments	Council position	Compromise text proposals
	financial rules applicable to those agencies. Such an arrangement shall be approved by the management board of the Agency and the administrative boards of the European Maritime Safety Agency and the European Fisheries Control Agency.	rules applicable to those agencies. Such an arrangement shall be approved by the management board of the Agency and the administrative boards of the European Maritime Safety Agency and the European Fisheries Control Agency. <i>The agencies shall use information received in the context of their cooperation only within the limits of their legal framework and in compliance with fundamental rights, including data protection requirements.</i>	financial rules applicable to those agencies. Such an arrangement shall be approved by the management board of the Agency and the administrative boards of the European Maritime Safety Agency and the European Fisheries Control Agency.	rules applicable to those agencies. Such an arrangement shall be approved by the management board of the Agency and the administrative boards of the European Maritime Safety Agency and the European Fisheries Control Agency. <i>The agencies shall use information received in the context of their cooperation only within the limits of their legal framework and in compliance with fundamental rights, including data protection requirements.</i>
983	3. The Commission shall, in close cooperation with the Member States, the Agency, the European Maritime Safety Agency and the European Fisheries Control Agency, make available a practical handbook on European cooperation on coast guard functions. That handbook shall contain guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation in accordance with the procedure referred to in Article 117(3).	3. The Commission shall, in close cooperation with the Member States, the Agency, the European Maritime Safety Agency and the European Fisheries Control Agency, make available a practical handbook on European cooperation on coast guard functions. That handbook shall contain guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation in accordance with the procedure referred to in Article 117(3).	3. The Commission shall, in close cooperation with the Member States, the Agency, the European Maritime Safety Agency and the European Fisheries Control Agency, make available a practical handbook on European cooperation on coast guard functions. That handbook shall contain guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation in accordance with the procedure referred to in Article 117(3).	3. The Commission shall, in close cooperation with the Member States, the Agency, the European Maritime Safety Agency and the European Fisheries Control Agency, make available a practical handbook on European cooperation on coast guard functions. That handbook shall contain guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation in accordance with the procedure referred to in Article 117(3).

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>984</b>	Article 71	Article 71	Article 71	Article 71
<b>985</b>	Cooperation with Ireland and the United Kingdom	Cooperation with Ireland and the United Kingdom	Cooperation with Ireland and the United Kingdom	Cooperation with Ireland and the United Kingdom
<b>986</b>	1. The Agency shall facilitate operational cooperation of the Member States with Ireland and the United Kingdom in specific activities.	1. The Agency shall facilitate operational cooperation of the Member States with Ireland and the United Kingdom in specific activities.	1. The Agency shall facilitate operational cooperation of the Member States with Ireland and the United Kingdom in specific activities.	1. The Agency shall facilitate operational cooperation of the Member States with Ireland and the United Kingdom in specific activities.
<b>987</b>	2. For the purposes of EUROSUR, the exchange of information and the cooperation with Ireland and the United Kingdom may take place on the basis of bilateral or multilateral agreements between Ireland or the United Kingdom respectively and one or several neighbouring Member States or through regional networks based on those agreements. The national coordination centres of the Member States shall be the contact points for the exchange of information with the corresponding authorities of Ireland and the United Kingdom within EUROSUR.	2. For the purposes of EUROSUR, the exchange of information and the cooperation with Ireland and the United Kingdom may take place on the basis of bilateral or multilateral agreements between Ireland or the United Kingdom respectively and one or several neighbouring Member States or through regional networks based on those agreements. The national coordination centres of the Member States shall be the contact points for the exchange of information with the corresponding authorities of Ireland and the United Kingdom within EUROSUR.	2. For the purposes of EUROSUR, the exchange of information and the cooperation with Ireland and the United Kingdom may take place on the basis of bilateral or multilateral agreements between Ireland or the United Kingdom respectively and one or several neighbouring Member States or through regional networks based on those agreements. The national coordination centres of the Member States shall be the contact points for the exchange of information with the corresponding authorities of Ireland and the United Kingdom within EUROSUR.	2. For the purposes of EUROSUR, the exchange of information and the cooperation with Ireland and the United Kingdom may take place on the basis of bilateral or multilateral agreements between Ireland or the United Kingdom respectively and one or several neighbouring Member States or through regional networks based on those agreements. The national coordination centres of the Member States shall be the contact points for the exchange of information with the corresponding authorities of Ireland and the United Kingdom within EUROSUR.
<b>988</b>	3. The agreements referred to in paragraph 2 shall be limited to the following exchange of information between the national coordination	3. The agreements referred to in paragraph 2 shall be limited to the following exchange of information between the national coordination	3. The agreements referred to in paragraph 2 shall be limited to the following exchange of information between the national coordination	3. The agreements referred to in paragraph 2 shall be limited to the following exchange of information between the national coordination

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	centre of a Member State and the corresponding authority of Ireland or the United Kingdom;	centre of a Member State and the corresponding authority of Ireland or the United Kingdom;	centre of a Member State and the corresponding authority of Ireland or the United Kingdom;	centre of a Member State and the corresponding authority of Ireland or the United Kingdom;
<b>989</b>	(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;	(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;	(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;	(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;
<b>990</b>	(b) information collected by Ireland and the United Kingdom which is relevant for the purposes of the European situational picture;	(b) information collected by Ireland and the United Kingdom which is relevant for the purposes of the European situational picture;	(b) information collected by Ireland and the United Kingdom which is relevant for the purposes of the European situational picture;	(b) information collected by Ireland and the United Kingdom which is relevant for the purposes of the European situational picture;
<b>991</b>	(c) information as referred to in Article 26 (5).	(c) information as referred to in Article 26 (5).	(c) information as referred to in Article 26 (5).	(c) information as referred to in Article 26 (5).
<b>992</b>	4. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 2 shall not be shared with Ireland or the United Kingdom without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with Ireland or the United Kingdom.	4. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 2 shall not be shared with Ireland or the United Kingdom without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with Ireland or the United Kingdom.	4. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 2 shall not be shared with Ireland or the United Kingdom without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with Ireland or the United Kingdom.	4. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 2 shall not be shared with Ireland or the United Kingdom without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with Ireland or the United Kingdom.
<b>993</b>	5. Onward transmission or other communication of information	5. Onward transmission or other communication of information	5. Onward transmission or other communication of information	5. Onward transmission or other communication of information



	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	exchanged under this Article to third countries or to third parties shall be prohibited.	exchanged under this Article to third countries or to <i>any other</i> third parties shall be prohibited.	exchanged under this Article to third countries or to third parties shall be prohibited.	exchanged under this Article to third countries or to third parties shall be prohibited.
<b>994</b>	6. The agreements referred to in paragraph 2 shall include provisions on the financial costs arising from the participation of Ireland and the United Kingdom in the implementation of those agreements.	6. The agreements referred to in paragraph 2 shall include provisions on the financial costs arising from the participation of Ireland and the United Kingdom in the implementation of those agreements.	6. The agreements referred to in paragraph 2 shall include provisions on the financial costs arising from the participation of Ireland and the United Kingdom in the implementation of those agreements.	6. The agreements referred to in paragraph 2 shall include provisions on the financial costs arising from the participation of Ireland and the United Kingdom in the implementation of those agreements.
<b>995</b>	7. Support to be provided by the Agency pursuant to points 12, 13 and 15 of Article 10 (1) shall cover the organisation of return operations of Member States in which Ireland or the United Kingdom also participates.	7. Support to be provided by the Agency pursuant to points 12, 13 and 15 of Article 10 (1) shall cover the organisation of return operations of Member States in which Ireland or the United Kingdom also participates.	7. Support to be provided by the Agency pursuant to points 12, 13 and 15 of Article 10 (1) shall cover the organisation of return operations of Member States in which Ireland or the United Kingdom also participates.	7. Support to be provided by the Agency pursuant to points 12, 13 and 15 of Article 10 (1) shall cover the organisation of return operations of Member States in which Ireland or the United Kingdom also participates.
<b>996</b>	8. The application of this Regulation to the borders of Gibraltar shall be suspended until the date on which an agreement is reached on the scope of the measures concerning the crossing by persons of the external borders.	8. The application of this Regulation to the borders of Gibraltar shall be suspended until the date on which an agreement is reached on the scope of the measures concerning the crossing by persons of the external borders.	8. The application of this Regulation to the borders of Gibraltar shall be suspended until the date on which an agreement is reached on the scope of the measures concerning the crossing by persons of the external borders.	8. The application of this Regulation to the borders of Gibraltar shall be suspended until the date on which an agreement is reached on the scope of the measures concerning the crossing by persons of the external borders.
<b>997</b>	Sub Section 2	<i>SUB SECTION 2</i>	Sub Section 2	<i>SUB SECTION 2</i>
<b>998</b>	Cooperation with third countries	<i>COOPERATION WITH THIRD COUNTRIES</i>	Cooperation with third countries	<i>COOPERATION WITH THIRD COUNTRIES</i>
<b>999</b>	Article 72		Article 72	Article 72

	Commission proposal	EP amendments	Council position	Compromise text proposals
<b>1000</b>	Cooperation with third countries	Cooperation with third countries	Cooperation with third countries	Cooperation with third countries
<b>1001</b>	1. In line with Article 3 (g), the Member States and the Agency shall cooperate with third Countries for the purpose of integrated border management and migration policy, including returns.	1. In line with Article 3 (g), the Member States and the Agency shall cooperate with third Countries for the purpose of integrated border management and migration policy; <del>including returns.</del>	1. In line with Article 3 (g), the Member States and the Agency shall cooperate with third Countries for the purpose of integrated border management and migration policy, including returns.	1. In line with Article 3 (g), the Member States and the Agency shall cooperate with third Countries for the purpose of <i>European</i> integrated border management and migration policy, <del>including returns.</del>
<b>1002</b>	2. Based on the policy priorities set out in accordance with Article 8 (4), the Agency shall provide technical and operational assistance to third countries within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement.	2. Based on the policy priorities set out in accordance with Article 8 (4), the Agency shall provide technical and operational assistance to third countries within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement.	2. Based on the policy priorities set out in accordance with Article 8 (4), the Agency shall provide technical and operational assistance to third countries within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement.	2. Based on the policy priorities set out in accordance with Article 8(4), the Agency shall provide technical and operational assistance to third countries within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights <i>and personal data</i> , and the principle of non-refoulement.
<b>1003</b>		<i>2a. The Commission, together with the European External Action Service, shall assess the situation in a third country, including its respect for fundamental rights and the level of data protection, prior to any activity of the Agency in or with that third country and prior to commencing the negotiation of any agreement or arrangement with that third country under this Regulation.</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
1004	3. The Agency and Member States shall comply with Union law, including norms and standards which form part of the Union acquis, also when cooperation with third countries takes place on the territory of those countries.	3. The Agency and Member States shall comply with Union law, including norms and standards which form part of the Union acquis, also when cooperation with third countries takes place on the territory of those countries. <b><i>The establishment of cooperation with third countries shall serve to promote European Integrated Border Management standards.</i></b>	3. The Agency and Member States shall comply with Union law, including norms and standards which form part of the Union acquis, also when cooperation with third countries takes place on the territory of those countries.	3. The Agency and Member States shall comply with Union law, including norms and standards which form part of the Union acquis, also when cooperation with third countries takes place on the territory of those countries.  <b><i>4. The establishment of cooperation with third countries shall serve to promote European Integrated Border Management standards.</i></b>
1005	Article 73	Article 73	Article 73	Article 73
1006	Cooperation of Member States with third countries	Cooperation of Member States with third countries	Cooperation of Member States with third countries	Cooperation of Member States with third countries
1007	1. For the purposes of this Regulation, Member States may continue cooperation at an operational level and exchange information with one or several third countries. Such cooperation and exchange of information shall take place on the basis of bilateral or multilateral agreements or through regional networks established on the basis of those agreements.	1. For the purposes of this Regulation, Member States may continue cooperation at an operational level and exchange information with one or several third countries. Such cooperation and exchange of information shall take place on the basis of bilateral or multilateral agreements or through regional networks established on the basis of those agreements.	1. <del>For the purposes of this Regulation,</del> Member States may <del>continue cooperation</del> at an operational level <del>and exchange information</del> with one or several third countries <del>in the areas covered by the subject matter of this Regulation.</del> Such cooperation <del>and may include</del> exchange of information <del>and shall</del> <u>may</u> take place on the basis of bilateral or multilateral agreements, <del>or</del> <u>other forms of arrangements, or</u> through regional networks	1. <del><b><i>For the purposes of this Regulation,</i></b></del> Member States may <del>continue cooperation</del> at an operational level <del><b><i>and exchange information</i></b></del> with one or several third countries <del><b><i>in the areas covered by the subject matter of this Regulation.</i></b></del> Such cooperation <del><b><i>and may include</i></b></del> exchange of information <del><b><i>and shall</i></b></del> <b><i>may</i></b> take place on the basis of bilateral or multilateral agreements, <del><b><i>or</i></b></del> <b><i>other forms of arrangements, or</i></b> through regional networks

	Commission proposal	EP amendments	Council position	Compromise text proposals
			established on the basis of those agreements.	established on the basis of those agreements.
1008	2. When concluding the bilateral and multilateral agreements referred to in paragraph 1, Member States shall include provisions concerning information exchange and cooperation in the framework of EUROSUR in accordance with Article 76.	2. When concluding the bilateral and multilateral agreements referred to in paragraph 1, Member States shall include provisions concerning information exchange and cooperation in the framework of EUROSUR in accordance with Article 76.	2. When concluding the bilateral and multilateral agreements referred to in paragraph 1, Member States <del>shall</del> <u>may</u> include provisions concerning information exchange and cooperation <del>in the framework for the purpose of EUROSUR, in accordance with</del> <u>If such agreements include such provisions, Article 76(2) and Article 90 shall apply.</u>	2. When concluding the bilateral and multilateral agreements referred to in paragraph 1, Member States <del>shall</del> <u>may</u> include provisions concerning information exchange and cooperation <del>in the framework for the purpose of EUROSUR in accordance with Article 76 and Article 90.</del>
1009	3. The agreements referred to in paragraph 1 shall comply with Union and international law on fundamental rights and on international protection, including the Charter of Fundamental Rights of the European Union, the Convention for the Protection of Human Rights and Fundamental Freedom and the Convention Relating to the Status of Refugees, in particular the principle of non-refoulement. When implementing such agreements, also having regard to Article 8, Member States shall continuously assess and take into account the general situation in the third country.	3. The agreements referred to in paragraph 1 shall comply with Union and international law on fundamental rights and on international protection, including the Charter of Fundamental Rights of the European Union, the Convention for the Protection of Human Rights and Fundamental Freedom and the Convention Relating to the Status of Refugees, in particular the principle of non-refoulement. When implementing such agreements, also having regard to Article 8, Member States shall continuously assess and take into account the general situation in the third country.	3. The agreements referred to in paragraph 1 shall comply with Union and international law on fundamental rights and on international protection, including the Charter of Fundamental Rights of the European Union, the Convention for the Protection of Human Rights and Fundamental Freedom and the Convention Relating to the Status of Refugees, in particular the principle of non-refoulement. When implementing such agreements, also having regard to Article 8, Member States shall <del>continuously</del> assess and take into account the general situation in the third country.	3. The agreements referred to in paragraph 1 shall comply with Union and international law on fundamental rights and on international protection, including the Charter of Fundamental Rights of the European Union, the Convention for the Protection of Human Rights and Fundamental Freedom and the Convention Relating to the Status of Refugees, in particular the principle of non-refoulement. When implementing such agreements, also having regard to Article 8, Member States shall <del>continuously</del> assess and take into account <b>on a regular basis</b> the general situation in the third country.

	Commission proposal	EP amendments	Council position	Compromise text proposals
1010		<p><i>3 a. Member States shall ensure that personal data transferred or disclosed to third countries or international organisations is only processed for the purposes for those it was transferred or disclosed, and that data subjects can exercise their rights also in those third countries or in relation to those international organisations. For this, Member States shall in the bilateral or multilateral agreements with third countries or in working arrangements with international organisations include legally binding and enforceable assurances, pursuant to points 2(a) or 3(b) of Article 46 of Regulation (EU) 2018/679. Where no such agreements or arrangements exist pursuant to paragraph 1, Member States shall not transfer or disclose any personal data to the third countries or international organisations.</i></p>		<p>EP position: to be moved to Article 87 and to be discussed at the political trilogue when addressing data protection provisions</p> <p>Council could accept that recital 86 could be redrafted to cover also the MS</p> <p>COM could agree with Cons approach but not with this proposal, including when moved to Art. 87.</p> <p><b>As per our comments in the separate data protection document, the EP agrees to include MSs in the Recital as long as we specify that transfers without safeguards should remain “exceptionally”.</b></p>
1011	Article 74	Article 74	Article 74	Article 74

	Commission proposal	EP amendments	Council position	Compromise text proposals
1012	Cooperation between the Agency and third countries	Cooperation between the Agency and third countries	Cooperation between the Agency and third countries	Cooperation between the Agency and third countries
1013	1. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation and to the extent required for the fulfilment of its tasks.	1. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation and to the extent required for the fulfilment of its tasks.	1. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation and to the extent required for the fulfilment of its tasks.	1. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation and to the extent required for the fulfilment of its tasks.
1014	2. When doing so, it shall act within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement, with the support of, and in coordination with, Union delegations and, where relevant, CSDP missions and operations.	2. When doing so, it shall act within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement, <i>the prohibition of arbitrary detention and the prohibition of torture, inhuman or degrading treatment or punishment</i> , with the support of, and in coordination with, Union delegations <del>and, where relevant, CSDP missions and operations.</del>	2. When doing so, <del>it the</del> <u>Agency</u> shall act within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement, with the support of, and in coordination with, Union delegations and, where relevant, CSDP missions and operations, <u>in full respect of their mandate.</u>	2. When doing so, <del>it the</del> <i>Agency</i> shall act within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement, <i>the prohibition of arbitrary detention and the prohibition of torture, inhuman or degrading treatment or punishment</i> , with the support of, and in coordination with, Union delegations and, where relevant, CSDP missions and operations <b>in accordance with Article 69.</b>
1015	3. In circumstances requiring the deployment of border management and return teams from the European Border and Coast Guard standing corps to a third country where the team members will exert executive powers, a status agreement shall be	3. In circumstances requiring the deployment of border management, <del>and</del> return <i>and fundamental rights monitoring</i> teams from the European Border and Coast Guard standing corps to a third country where the team members	3. In circumstances requiring the deployment of border management and return teams from the European Border and Coast Guard standing corps to a third country where the team members will exert executive powers, a status	3. In circumstances requiring the deployment of border management and <b>return</b> teams from the European Border and Coast Guard standing corps to a third country where the team members will exert executive powers, a status agreement, <i>drawn</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	<p>concluded by the Union with the third country concerned. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams. The status agreement shall ensure the full respect of fundamental rights during these operations.</p>	<p>will exert executive powers, a status agreement, <b><i>drawn up on the basis of the model status agreement referred to in Article 77(1a)</i></b>, shall be concluded by the Union with the third country concerned <b><i>on the basis of Article 218 TFEU</i></b>. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams, <b><i>measures related to the establishment of an antenna office and measures ensuring the operationalisation of fundamental rights safeguards, including deployment of the fundamental rights monitors, the fundamental rights strategy in line with Article 81 and the code of conduct in line with Article 82</i></b>. The status agreement shall ensure the full respect of fundamental rights during these operations <b><i>and provide for a complaints mechanism. The European Data Protection Supervisor shall be consulted on the provisions of the status agreement related to the transfers of data. Operations shall be carried out on</i></b></p>	<p>agreement shall be concluded by the Union with the third country concerned. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams. The status agreement shall ensure the full respect of fundamental rights during these operations.</p>	<p><b><i>up on the basis of the model status agreement referred to in Article 77(1a)</i></b>, shall be concluded by the Union with the third country concerned <b><i>on the basis of Article 218 TFEU</i></b>. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams, <b><i>measures related to the establishment of an antenna office and practical measures related to the respect of fundamental rights</i></b>. The status agreement shall ensure the full respect of fundamental rights during these operations <b><i>and provide for a complaints mechanism. The European Data Protection Supervisor shall be consulted on the provisions of the status agreement related to the transfers of data. Operations shall be carried out on the basis on an operational plan agreed also by the participating Member States. The participation of Member States in joint operations on the territory of third countries shall be on a voluntary basis.</i></b></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>the basis on an operational plan agreed also by the participating Member States. The participation of Member States in joint operations on the territory of third countries shall be on a voluntary basis.</i>		The EP changed the colour of the reference to return teams in red as it refers to the provisions in Article 54(2) which the EP deleted. This will have to be part of the discussion on returns from one third country to another third country.
1016	4. Where available, it shall also act within the framework of working arrangements concluded with those authorities in accordance with Union law and policy, in accordance with 77(6). Those working arrangements shall specify the scope, nature and purpose of the cooperation and be related to the management of operational cooperation and may include provisions concerning the exchange of sensitive non-classified information and cooperation in the framework of EUROSUR in accordance with Article 75 (3). Any working arrangements on exchanging classified information shall be concluded in accordance with Article 77(6). The Agency shall comply with Union law, including norms and	4. Where available, it shall also act within the framework of working arrangements concluded with those authorities in accordance with Union law and policy, in accordance with 77(6). Those working arrangements shall specify the scope, nature and purpose of the cooperation and be related to the management of operational cooperation and may include provisions concerning the exchange of sensitive non-classified information and cooperation in the framework of EUROSUR in accordance with Article 75 (3). Any working arrangements on exchanging classified information shall be concluded in accordance with Article 77(6). The Agency shall comply with Union law, including norms and standards, which form part of the	4. Where available, <del>it the</del> Agency shall also act within the framework of working arrangements concluded with those authorities in accordance with Union law and policy, in accordance with 77(56). Those working arrangements shall specify the scope, nature and purpose of the cooperation and be related to the management of operational cooperation and may include provisions concerning the exchange of sensitive non-classified information and cooperation in the framework of EUROSUR in accordance with Article 75 (3). Any working arrangements on exchanging classified information shall be concluded in accordance with Article 77(56). The Agency shall comply with Union law, including norms and	4. Where available, <del>it the</del> Agency shall also act within the framework of working arrangements concluded with those authorities in accordance with Union law and policy, in accordance with 77(56). Those working arrangements shall specify the scope, nature and purpose of the cooperation and be related to the management of operational cooperation and may include provisions concerning the exchange of sensitive non-classified information and cooperation in the framework of EUROSUR in accordance with Article 75 (3). <i>The Agency shall ensure that information transferred to third countries is only processed for the purposes for which it was transferred.</i> Any working



	Commission proposal	EP amendments	Council position	Compromise text proposals
	standards, which form part of the Union acquis.	Union acquis. <i>The Agency shall request prior authorisation from the European Data Protection Supervisor, as far as these working arrangements provide for the transfer of personal data.</i>	standards, which form part of the Union acquis.	arrangements on exchanging classified information shall be concluded in accordance with Article 77(6). The Agency shall comply with Union law, including norms and standards, which form part of the Union acquis. <i>The Agency shall request prior authorisation from the European Data Protection Supervisor, as far as these working arrangements provide for the transfer of personal data and where appropriate safeguards are provided by provisions in accordance with Article 48(3)(b) of Regulation 2018/1725.</i>
1017	5. The Agency shall contribute to the implementation of international agreements and of non-legally binding arrangements on return concluded by the Union with third countries within the framework of the external action policy of the Union and regarding matters covered by this Regulation.	5. The Agency shall contribute to the implementation of international agreements and of <i>readmission agreements</i> <del>non-legally binding arrangements on return</del> concluded by the Union with third countries within the framework of the external action policy of the Union and regarding matters covered by this Regulation.	5. The Agency shall contribute to the implementation of international agreements and of non-legally binding arrangements on return <u>matters</u> concluded by the Union with third countries within the framework of the external action policy of the Union and regarding matters covered by this Regulation.	The Commisiosn will provide poss. compromise text.
1018	6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting in and in	6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting in and in	6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting in and in	6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting in and in

	Commission proposal	EP amendments	Council position	Compromise text proposals
	relation to third countries. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation and in accordance with the financial rules applicable to the Agency.	relation to third countries. <i>Subject to the approval of the European Parliament, and following a thorough fundamental rights impact assessment,</i> it may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation and in accordance with the financial rules applicable to the Agency.	relation to third countries. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation and in accordance with the financial rules applicable to the Agency.	relation to third countries. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation and in accordance with the financial rules applicable to the Agency.  The Commission will provide poss. compromise text.
1019	7. The Agency shall inform the European Parliament of activities conducted pursuant to this Article.	7. The Agency shall inform the European Parliament <i>quarterly</i> of activities conducted pursuant to this Article <i>and, in particular, of the activities related to the technical and operational assistance in the field of border management and return in third countries, the exchange of sensitive non-classified information with third countries and the deployment of liaison officers and including detailed information on compliance with fundamental rights and international protection. The Agency shall make public all agreements, working arrangements, pilot projects and technical assistance projects with third countries.</i>	7. The Agency shall inform the European Parliament <u>and the Council</u> of activities conducted pursuant to this Article.	7. The Agency shall inform the European Parliament <i>the Council and the Commission</i> of activities conducted pursuant to this Article <i>and, in particular, of the activities related to the technical and operational assistance in the field of border management and return in third countries, the exchange of sensitive non-classified information with third countries and the deployment of liaison officers and including detailed information on compliance with fundamental rights. The Agency shall make public the agreements, working arrangements, pilot projects and technical assistance projects with third countries, in full compliance with Article 110(2).</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
1020	8. It shall include an assessment of the cooperation with third countries in its annual reports.	8. It shall include an assessment of the cooperation with third countries in its annual reports.	8. <del>The Agency</del> shall include an assessment of the cooperation with third countries in its annual reports.	8. <del>The Agency</del> shall include an assessment of the cooperation with third countries in its annual reports.
1021		<i>8 a. The Agency shall ensure that information transferred or disclosed to third countries or international organisations is only processed for the purposes for which it was transferred or disclosed, and that data subjects can exercise their rights also in those third countries or in relation to those international organisations.</i>		
1022	Article 75	Article 75	Article 75	Article 75
1023	Technical and operational assistance provided by the Agency to third Countries	Technical and operational assistance provided by the Agency to third Countries	Technical and operational assistance provided by the Agency to third Countries	Technical and operational assistance provided by the Agency to third Countries
1024	1. As provided for in Article 72 (3), in circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries and provide operational support to	1. As provided for in Article 72 (3), in circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries and provide operational support to	1. As provided for in Article 72 ( <del>3</del> ), <del>in circumstances requiring increased technical and operational assistance</del> , the Agency may coordinate operational cooperation between Member States and third countries and provide <del>operational</del>	1. <del>As provided for in Article 72 (3), in circumstances requiring increased technical and operational assistance</del> , <del>The Agency</del> may coordinate operational cooperation between Member States and third countries and provide <del>operational</del>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	third countries in the context of the European integrated border management.	third countries in the context of the European integrated border management.	<del>support</del> such assistance to third countries in the context of the European integrated border management <u>including returns</u> .	<del>support</del> <i>such assistance</i> to third countries in the context of the European integrated border management <i>including returns</i> .
1025	2. The Agency shall have the possibility of carrying out actions at the external borders of a third country, subject to the agreement of that third country, including on the territory of that third country.	2. The Agency shall have the possibility of carrying out actions at the external borders of a third country, subject to the agreement of that third country, including on the territory of that third country.	2. The Agency shall have the possibility of carrying out actions <del>at the external borders on the territory</del> of a third country; subject to the agreement of that third country; <del>including on the territory of that third country.</del>	2. The Agency shall have the possibility of carrying out actions <i>related to the european integrated border management at the external borders on the territory</i> of a third country; subject to the agreement of that third country.
1026	3. Operations shall be carried out on the basis of an operational plan agreed between the Agency and the third country concerned In case of operations carried out at the common border between the third country and one or more Member States, the operational plan shall have the agreement of the Member State or Member States bordering the operational area. Operational plans may include provisions concerning information exchange and cooperation in the framework of EUROSUR in accordance with Article 76. Without prejudice to the deployment of the members of the European Border and Coast Guard standing corps in accordance with Articles 55 to 58, the participation of	3. Operations shall be carried out on the basis of an operational plan agreed between the Agency and the third country concerned In case of operations carried out at the common border between the third country and one or more Member States, the operational plan shall have the agreement of the Member State or Member States bordering the operational area. Operational plans may include provisions concerning information exchange and cooperation in the framework of EUROSUR in accordance with Article 76. Without prejudice to the deployment of the members of the European Border and Coast Guard standing corps in accordance with Articles 55 to 58, the participation of	3. Operations <u>on the territory of a third country shall be included in the annual work programme adopted by the Management Board in accordance with Article 100(1) and (7), and</u> carried out on the basis of an operational plan agreed between the Agency and the third country concerned <u>and in consultation with the participating Member States</u> . In case of <del>such operations carried out at the common border between the third country and one or more Member States</del> , the operational plan, <u>as well as any amendments to that plan</u> , shall have the agreement of the Member State or Member States <u>neighbouring the third country or bordering the operational area of the third country</u> . <del>Operational plans may include</del>	3. Operations <i>on the territory of a third country shall be included in the annual work programme adopted by the Management Board in accordance with Article 100(1) and (7), and</i> carried out on the basis of an operational plan agreed between the Agency and the third country concerned <i>and in consultation with the participating Member States</i> . In case a <i>Member State or Member States are neighbouring the third country or bordering the operational area of the third country</i> , <del>of operations</del> the operational plan <i>as well as any amendments thereof</i> shall have <del>the its or their</del> agreement of the Member State or Member States. <del>Operational plans may</del>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	Member States in joint operations on the territory of third countries shall be on voluntary basis.	Member States in joint operations on the territory of third countries shall be on voluntary basis.	<del>provisions concerning information exchange and cooperation in the framework of EUROSUR in accordance with Article 76. Articles 39, 44, 48, 55 to 58 shall apply mutatis mutandis to the deployment in the third countries.</del> <sup>17</sup>	<del>include provisions concerning information exchange and cooperation in the framework of EUROSUR in accordance with Article 76. Articles 39, 44, 47, 48, 55 to 58 shall apply mutatis mutandis to the deployment in the third countries.</del>
1027			3a. Without prejudice to the deployment of the members of the European Border and Coast Guard standing corps in accordance with Articles 55 to 58, the participation of Member States in <del>joint</del> operations on the territory of third countries shall be on voluntary basis. <u>In addition to the relevant mechanism referred to in Article 58(7), where the security of the participating personnel cannot be guaranteed to the satisfaction of the Member State, the Member State can opt out of its respective contribution to the operation in the third country. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the</u>	3a) <i>The executive director shall ensure the security of the staff deployed in third countries. For this purpose, Member State shall inform the executive director about any concern related to the security of its nationals if deployed on a territory of certain third countries</i> <i>When the security of some personnel deployed in third countries cannot be guaranteed, the executive director shall take appropriate measures.</i>  <i>by replacing the personnel concerned with personnel with equivalent profiles which security can be ensured or by suspending or</i>

<sup>17</sup> Sentence coming from the partial general approach.

	Commission proposal	EP amendments	Council position	Compromise text proposals
			<p><u>Agency in writing during the annual bilateral negotiations or no later than 21 days prior to the deployment, the content of which shall be included in the report referred to in Article 65.<sup>18)</sup></u>  <u>The deployment of operational staff seconded in accordance with Article 57 shall be subject to the consent of the home Member State upon notification by the Agency and no later than 21 days prior to the deployment.</u></p>	<p><i>terminating the corresponding aspects of the technical and operational assistance provided by the Agency to that third Country</i></p> <p><u>3b.</u> Without prejudice to the deployment of the members of the European Border and Coast Guard standing corps in accordance with Articles 55 to 58, the participation of Member States in <del>joint</del> operations on the territory of third countries shall be on voluntary basis.  <u>In addition to the relevant mechanism referred to in Article 58(7) and paragraph 3a, where the security of <del>the</del>its participating personnel cannot be guaranteed to the satisfaction of the Member State, the Member State can opt out of its respective contribution to the operation in the third country. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing during the annual</u></p>

<sup>18</sup> Provisions adjusted in accordance with the mechanism foreseen in Articles 55-58 in particular with regard to the discharge of national duty.

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p>bilateral negotiations or no later than 21 days prior to the deployment, the content of which shall be included in the report referred to in Article 65.<sup>19</sup> The deployment of operational staff seconded in accordance with Article 57 shall be subject to the consent of the home Member State upon notification by the Agency and no later than 21 days prior to the deployment</p>
1028 s			<p><u>3b. Operational plans referred to in paragraph 3 may include provisions concerning information exchange and cooperation for the purpose of EUROSUR in accordance with Articles 76(2) and 90.</u></p>	<p><b><i>3c. Operational plans referred to in paragraph 3 may include provisions concerning information exchange and cooperation for the purpose of EUROSUR in accordance with Articles 76(2) and 90.</i></b></p>
1029	<p>4. The Agency may provide assistance to return activities of third countries and ensure the coordination or the organisation of return operations, during which a number of returnees are returned from this third country to another third country. Such return operations may be organised with participation of one or more Member States ('mixed return</p>	<p><del>4. The Agency may provide assistance to return activities of third countries and ensure the coordination or the organisation of return operations, during which a number of returnees are returned from this third country to another third country. Such return operations may be organised with participation of one or more Member States ('mixed return</del></p>	<p>4. The Agency may provide assistance to return activities of third countries and ensure the coordination or the organisation of return operations, during which a number of returnees are returned from this third country to another third country. Such return operations may be organised with participation of one or more Member States ('mixed return</p>	

<sup>19</sup> Provisions adjusted in accordance with the mechanism foreseen in Articles 55-58 in particular with regard to the discharge of national duty.

	Commission proposal	EP amendments	Council position	Compromise text proposals
	operations’) or as national return operations, in particular when this is justified by the priorities of the irregular migration policy of the Union. The participating Member States and the Agency shall ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.	operations’) or as national return operations, in particular when this is justified by the priorities of the irregular migration policy of the Union. The participating Member States and the Agency shall ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third country forced return escorts.	operations’) or as national return operations, in particular when this is justified by the priorities of the irregular migration policy of the Union. The participating Member States and the Agency shall ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.	
<b>1030</b>	Article 76	Article 76	Article 76	Article 76
<b>1031</b>	Information exchange with third Countries in the framework of EUROSUR	Information exchange with third Countries in the framework of EUROSUR	Information exchange with third Countries in the framework of EUROSUR	Information exchange with third Countries in the framework of EUROSUR
<b>1032</b>	1. The national coordination centres of the Member States and, when relevant, the Agency shall be the contact points for the exchange of information and cooperation with third countries in the framework of EUROSUR.	1. The national coordination centres of the Member States and, when relevant, the Agency shall be the contact points for the exchange of information and cooperation with third countries in the framework of EUROSUR.	1. The national coordination centres of the Member States <u>referred to in Article 21</u> and, when relevant, the Agency shall be the contact points for the exchange of information and cooperation with third countries <u>in the framework for the purpose of</u> EUROSUR.	1. The national coordination centres of the Member States <u>referred to in Article 21</u> and, when relevant, the Agency shall be the contact points for the exchange of information and cooperation with third countries <u>in the framework for the purpose of</u> EUROSUR.
<b>1033</b>	2. The provisions for the exchange of information in the framework of	2. The provisions for the exchange of information in the framework of	2. The provisions for the exchange of information <u>in the framework for the purpose of</u>	2. The provisions for the exchange of information <u>in the framework for the purpose of</u>



	Commission proposal	EP amendments	Council position	Compromise text proposals
	EUROSUR referred to in Article 72 (2) shall detail:	EUROSUR referred to in Article 72 (2) shall detail:	EUROSUR referred to in Article <del>72</del> 73 (2) shall <del>detail</del> address:	EUROSUR referred to in Article <del>72</del> 73 (2) shall <del>detail</del> address:
<b>1034</b>	(a) the specific situational pictures shared with third countries;	(a) the specific situational pictures shared with third countries;	(a) the specific situational pictures shared with third countries;	(a) the specific situational pictures shared with third countries;
<b>1035</b>	(b) the data originating from third countries which can be shared in the European Situational Picture and the procedures for sharing these data;	(b) the data originating from third countries which can be shared in the European Situational Picture and the procedures for sharing these data;	(b) the data originating from third countries which can be shared in the European Situational Picture and the procedures for sharing these data;	(b) the data originating from third countries which can be shared in the European Situational Picture and the procedures for sharing these data;
<b>1036</b>	(c) the procedures and conditions by which EUROSUR Fusion Services can be provided to third countries' Authorities;	(c) the procedures and conditions by which EUROSUR Fusion Services can be provided to third countries' Authorities;	(c) the procedures and conditions by which EUROSUR Fusion Services can be provided to third countries' Authorities;	(c) the procedures and conditions by which EUROSUR Fusion Services can be provided to third countries' Authorities;
<b>1037</b>	(d) the modalities of cooperation and information exchange with third countries observers for the purpose of EUROSUR.	(d) the modalities of cooperation and information exchange with third countries observers for the purpose of EUROSUR.	(d) the modalities of cooperation and information exchange with third countries observers for the purpose of EUROSUR.	(d) the modalities of cooperation and information exchange with third countries observers for the purpose of EUROSUR.
<b>1038</b>	3. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 1 of Article 73 shall not be shared with a third country under that agreement without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with the third country concerned.	3. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 1 of Article 73 shall not be shared with a third country under that agreement without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with the third country concerned.	3. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 1 of Article 73 shall not be shared with a third country under that agreement without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with the third country concerned.	3. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 1 of Article 73 shall not be shared with a third country under that agreement without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with the third country concerned.

	Commission proposal	EP amendments	Council position	Compromise text proposals
1039		<i>3 a. The Agency shall ensure that information transferred or disclosed to third countries is only processed for the purposes for which it was transferred or disclosed, and that data subjects can exercise their rights also in those third countries. To this end, any exchange of information under Article 73(1), which provides a third country with information that could be used to identify persons or groups of persons whose request for access to international protection is under examination 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.</i>		
1040	Article 77	Article 77	Article 77	Article 77
1041	Role of the Commission with regard to cooperation with third countries	Role of the Commission with regard to cooperation with third countries	Role of the Commission with regard to cooperation with third countries	Role of the Commission with regard to cooperation with third countries
1042		<i>-1. The Commission shall not conclude any negotiations concerning agreements on cooperation between the Union and a third country under this Regulation until an assessment of the fundamental rights situation in</i>		<i>-1. The Commission shall not conclude any negotiations concerning agreements on cooperation between the Union and a third country under this Regulation until an assessment of</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>that third country is concluded in accordance with Article 72(2a). This assessment shall be included in the consent procedure.</i>		<p><i>the fundamental rights situation and data protection in that third country is concluded. The conclusions of the assessment shall be transmitted to the European Parliament and the Council.</i></p> <p>Council believes that this is an excessive requirement</p> <p><i>So does the Commission</i></p> <p><b>The EP disagrees. This is not excessive. We insist on maintaining this amendment.</b></p> <p>Data protection introduced from EP AM on art 72(2a)</p>
1043	1. The Commission shall negotiate the status agreement referred to in Article 74 (3) in accordance with Article 218(3) TFEU.	<del>1. The Commission shall negotiate the status agreement referred to in Article 74 (3) in accordance with Article 218(3) TFEU.</del>	1. The Commission shall negotiate the status agreement referred to in Article 74 (3) in accordance with Article 218(3) TFEU.	<del>1. The Commission shall negotiate the status agreement referred to in Article 74 (3) in accordance with Article 218(3) TFEU.</del>
1044		<i>1a. The Commission, after consulting the Member States and the Agency, shall draw up a model status agreement, which shall include the framework for the fundamental rights evaluation referred to in point (a) of Article</i>		<i>1a. The Commission, after consulting the Member States, the Agency, the agency for fundamental rights and the European data protection supervisor, shall draw up a model status agreement for</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>54(2), for actions conducted on the territory of third countries.</i>		<b>actions conducted on the territory of third countries.</b>
<b>1045</b>	2. The Commission, after consulting the Member States and the Agency, shall draw up model provisions for the bilateral and multilateral agreements referred to in Article 71(2) and Article 73 for the exchange of information in the framework of EUROSUR as provided for in Article 76 (2).	2. The Commission, after consulting the Member States and the Agency, shall also draw up model provisions for the bilateral and multilateral agreements referred to in Article 71(2) and Article 73 for the exchange of information in the framework of EUROSUR as provided for in Article 76 (2). <b>Model provisions shall include detailed measures ensuring the operationalisation of fundamental rights safeguards, the fundamental rights strategy in line with Article 81 and the code of conduct in line with Article 82.</b>	2. The Commission, <del>after consulting in cooperation with the</del> Member States and the Agency, shall draw up model provisions <del>for the bilateral and multilateral agreements referred to in Article 71(2) and Article 73</del> for the exchange of information in the framework of EUROSUR <del>as provided for in Article 76(2)</del> in accordance with Article 71(2), and Article 73(2).	2. The Commission, <del>after consulting in cooperation with the</del> Member States and the Agency, shall draw up model provisions <del>for the bilateral and multilateral agreements referred to in Article 71(2) and Article 73</del> for the exchange of information in the framework of EUROSUR <del>as provided for in Article 76(2)</del> in accordance with Article 71(2), and Article 73(2).
<b>1046</b>	The Commission, after consulting the Agency, shall draw up a model for the working arrangements referred to in Article 74.	The Commission, after consulting the Agency, shall draw up a model for the working arrangements referred to in Article 74. <b>Such model shall include detailed measures ensuring the operationalisation of fundamental rights safeguards, the fundamental rights strategy in line with Article 81 and the code of conduct in line with Article 82.</b>	The Commission, after consulting the Agency, shall draw up a model for the working arrangements referred to in Article 74.	The Commission, after consulting the Agency, <b>and other relevant bodies or agencies Agency, including the European Union Agency for Fundamental rights and the European Data Protection Supervisor</b> , shall draw up a model for the working arrangements referred to in Article 74. <b>Such model shall include provisions related to fundamental rights and data</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<i>protection safeguards addressing practical measures</i>
1047	3. The Member States concerned shall notify existing bilateral and multilateral agreements referred to in Article 73 (1) to the Commission, which shall verify whether their provisions comply with this Regulation.	3. The Member States concerned shall notify existing bilateral and multilateral agreements referred to in Article 73 (1) to the Commission, which shall <b>inform the European Parliament, the Council and the Agency thereof and</b> verify whether their provisions comply with this Regulation.	<del>3. The Member States concerned shall notify existing bilateral and multilateral agreements referred to in Article 73 (1) to the Commission, which shall verify whether their provisions comply with this Regulation.<sup>20</sup></del>	<del>3. The Member States concerned shall notify existing bilateral and multilateral agreements referred to in Article 73 (1) to the Commission, which shall verify whether their provisions comply with this Regulation.<sup>21</sup></del>
1048	4. Before a new bilateral or multilateral agreement referred to in Article 73 (1) is concluded, the Member State(s) concerned shall notify it to the Commission, which shall verify whether its provisions comply with this Regulation and inform the Member State accordingly.	4. Before a new bilateral or multilateral agreement referred to in Article 73 (1) is concluded, the Member State(s) concerned shall notify it to the Commission, which shall <b>inform the European Parliament, the Council and the Agency thereof and</b> verify whether its provisions comply with this Regulation and inform the Member State accordingly.	43. Before a new bilateral or multilateral agreement referred to in Article 73 (1) is concluded, the Member State(s) concerned shall notify its <u>draft provisions related to border management and return</u> to the Commission, <del>which shall verify whether its provisions comply with this Regulation and inform the Member State accordingly.</del>	43. Before a new bilateral or multilateral agreement referred to in Article 73 (1) is concluded, the Member State(s) concerned shall notify <del>it</del> <b>its draft provisions related to border management and return</b> to the Commission, <del>which shall verify whether its provisions comply with this Regulation and inform the Member State accordingly.</del>
1049	5. Once a new agreement is concluded, the Member State concerned shall notify it to the Commission, which shall inform the	5. Once a new agreement is concluded, the Member State concerned shall notify it to the Commission, which shall inform the	<del>54. Once a new agreement is concluded, the Member State concerned shall notify it to the Commission, which shall inform the</del>	<del>54. Once a new agreement is concluded, the Member State concerned shall notify it to the Commission, which shall inform the</del>

<sup>20</sup> Inserted in paragraph 5.

<sup>21</sup> Inserted in paragraph 5.

	Commission proposal	EP amendments	Council position	Compromise text proposals
	European Parliament, the Council and the Agency thereof.	European Parliament, the Council and the Agency thereof.	<del>European Parliament, the Council and the Agency thereof.</del> The Member States concerned shall notify the provisions of existing and new bilateral and multilateral agreements referred to in Article 73 (1) related to border management and return to the Commission, which shall inform the Council and the Agency thereof.	<del>European Parliament, the Council and the Agency thereof.</del> <i>The Member States concerned shall notify the provisions of existing and new bilateral and multilateral agreements referred to in Article 73 (1) related to border management and return to the Commission, which shall inform the Council and the Agency thereof.</i>
1050	6. Before any working arrangements with third parties or third countries are concluded, the Agency shall notify them to the Commission, which shall give its prior approval. Once working arrangements are concluded, the Agency shall notify them to the Commission, which shall inform the European Parliament and the Council thereof.	6. Before any working arrangements with third parties or third countries are concluded, the Agency shall notify them <i>to the European Parliament, to the Council and</i> to the Commission. <i>The Commission</i> <del>which</del> shall give its <del>prior</del> approval <i>prior to the conclusion of such arrangements</i> . Once working arrangements are concluded, the Agency shall notify them to the Commission, which shall inform the European Parliament and the Council thereof.	<del>65.</del> Before any working arrangements <del>with between the Agency and third parties or</del> <u>competent authorities</u> of third countries are <del>approved</del> <del>concluded</del> <u>by the Management Board</u> , the Agency shall notify them to the Commission, which shall give its prior approval. Once working arrangements are concluded, the Agency shall notify them to the Commission, which shall inform <del>the European Parliament and</del> the Council thereof.	65. Before any working arrangements <del>with</del> <i>between the Agency and third parties or competent authorities</i> of third countries are <del>approved</del> <del>concluded</del> <i>by the Management Board</i> , the Agency shall notify them <del>to the European Parliament, to the Council and</del> to the Commission. <i>The Commission</i> <del>which</del> shall give its <del>prior</del> approval <i>prior to the conclusion of such arrangements</i> . Once working arrangements are concluded, the Agency shall notify them to the Commission, which shall inform the European Parliament and the Council thereof. <i>Only Commission is responsible of this aspect according to the Treaties EP to send drafting for option B</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p><b>EP insists on its original position. We have prepared an Option B (see below). However, this has not been checked and does not have, as of yet, the support of the political groups.</b></p> <p>5. Before any working arrangements <del>with</del> <i>between the Agency and third parties or competent authorities of</i> third countries are <del>approved</del> <i>concluded by the Management Board</i>, the Agency shall notify them <del>to the European Parliament, to the Council and</del> to the Commission. <i>The Agency shall inform the European Parliament before a working arrangement is concluded by providing detailed information to it as regards the parties of the working arrangement and its envisaged content.</i></p>
1051	7. The Agency shall notify the operational plans referred to in Article 75 (3) to the Commission. The decision to deploy liaison officers to third countries in accordance with Article 78 shall be subject to receiving the prior opinion	7. The Agency shall notify the operational plans referred to in Article 75 (3) to the Commission. The decision to deploy liaison officers to third countries in accordance with Article 78 shall be subject to receiving the prior opinion	<del>7</del> 6. The Agency shall notify the operational plans referred to in Article 75 (3) to the Commission. The decision to deploy liaison officers to third countries in accordance with Article 78 shall be subject to receiving the prior opinion	<del>7</del> 6. The Agency shall notify the operational plans referred to in Article 75 (3) to the Commission. The decision to deploy liaison officers to third countries in accordance with Article 78 shall be subject to receiving the prior opinion

	Commission proposal	EP amendments	Council position	Compromise text proposals
	of the Commission. The European Parliament shall be kept fully informed of those activities without delay.	of the Commission. The European Parliament shall be kept fully informed of those activities without delay.	of the Commission. The European Parliament shall be kept fully informed of those activities without delay.	of the Commission. The European Parliament shall be kept fully informed of those activities without delay.
<b>1052</b>	Article 78	Article 78	Article 78	Article 78
<b>1053</b>	Liaison officers of the Agency in third countries	Liaison officers of the Agency in third countries	Liaison officers of the Agency in third countries	Liaison officers of the Agency in third countries
<b>1054</b>	1. The Agency may deploy experts from its statutory staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Regulation (EC) No 377/2004. By decision of the management board the Agency may lay down specific profiles of liaison officers, such as return liaison officers, depending on the operational needs with regard to the third country concerned.	1. The Agency may deploy experts from its statutory staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Regulation (EC) No 377/2004. By decision of the management board the Agency may lay down specific profiles of liaison officers, <del>such as return liaison officers</del> , depending on the operational needs with regard to the third country concerned.	1. The Agency may deploy experts from its statutory staff <u>as well as other experts</u> as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Regulation (EC) No 377/2004. By decision of the management board the Agency may lay down specific profiles of liaison officers, such as return liaison officers, depending on the operational needs with regard to the third country concerned.	1. The Agency may deploy experts from its statutory staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to [Regulation (EC) No 377/2004]. By decision of the management board the Agency may lay down specific profiles of liaison officers, <del>such as return liaison officers</del> , depending on the operational needs with regard to the third country concerned.



	Commission proposal	EP amendments	Council position	Compromise text proposals
				Subject to discussion about using other experts in the role (Council proposal) Commission considers that seconded staff is not staying long enough in the Agency
1055	2. Within the framework of the external action policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of a risk analysis, constitute a country of origin or transit regarding illegal immigration. The Agency may receive liaison officers posted by those third countries on a reciprocal basis. The management board shall, on a proposal of the executive director, adopt the list of priorities on a yearly basis. The deployment of liaison officers shall be approved by the management board upon the opinion of the Commission.	2. Within the framework of the external action policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of a risk analysis, constitute a country of origin or transit regarding <del>illegal immigration</del> <b>irregular migration</b> . The Agency may receive liaison officers posted by those third countries on a reciprocal basis. The management board shall, on a proposal of the executive director, adopt the list of priorities on a yearly basis. The deployment of liaison officers shall be approved by the management board upon the opinion of the Commission.	2. Within the framework of the external action policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of a risk analysis, constitute a country of origin or transit regarding illegal immigration. The Agency may receive liaison officers posted by those third countries on a reciprocal basis. The management board shall, on a proposal of the executive director, adopt the list of priorities on a yearly basis. The deployment of liaison officers shall be approved by the management board upon the opinion of the Commission.	2. Within the framework of the external action policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of a risk analysis, constitute a country of origin or transit regarding <del>illegal immigration</del> <b>irregular migration</b> . The Agency may receive liaison officers posted by those third countries on a reciprocal basis. The management board shall, on a proposal of the executive director, adopt the list of priorities on a yearly basis. The deployment of liaison officers shall be approved by the management board upon the opinion of the Commission.
1056	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	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	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	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

	Commission proposal	EP amendments	Council position	Compromise text proposals
	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.	assigned with a view to contributing to the prevention of and fight against <del>illegal immigration</del> <b>irregular migration</b> 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 <del>and, where relevant, CSDP missions and operations.</del> <b>They shall, wherever possible, have their offices in the same building. The Agency's liaison officers shall contribute to assessing the fundamental rights impact of the Agency's operations and cooperation with the third countries and shall report to the executive director and to the fundamental rights officer on their assessment.</b>	assigned with a view to contributing to the prevention of and fight against illegal immigration and <del>the returns of returnees,</del> 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, <u>with Member States in accordance with Regulation (EC) No 377/2004</u> and, where relevant, CSDP missions and operations.	assigned with a view to contributing to the prevention of and fight against <del>illegal immigration</del> <b>irregular migration</b> 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, <b>with Member States in accordance with [Regulation (EC) No 377/2004]</b> and, where relevant, CSDP missions and operations as set out in Article 69. <b>They shall, wherever possible, have their offices in the same premises as the Union delegations.</b>
1057			<u>4. In third countries where return liaison officers are not deployed by the Agency, the Agency may support the deployment of a return liaison officer by a Member State to provide support to Member States, as well as to the Agency's activities, in accordance with Article 49.</u>	<b>4. In third countries where return liaison officers are not deployed by the Agency, the Agency may, <del>without giving financial contributions,</del> support a Member State to deploy a return liaison officer to provide support to the Member States, as well as to the Agency's activities, in accordance with Article 49.</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<p>[COM does not recall having ever agreed on the addition in green – must have overlooked this change compared to the Cons amendment. For Cons to double-check and let's discuss again.]</p> <p><b>EP against the Agency financing Liaison Officers of MSs.</b></p>
<b>1058</b>	Article 79	Article 79	Article 79	Article 79
<b>1059</b>	Observers participating in the Agency's activities	Observers participating in the Agency's activities	Observers participating in the Agency's activities	Observers participating in the Agency's activities
<b>1060</b>	1. The Agency may, with the agreement of the Member States concerned, invite observers of Union institutions, bodies, offices, agencies or international organisations and CSDP missions and operations to participate in its activities, in particular joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The participation of those observers in	1. The Agency may, with the agreement of the Member States concerned, invite observers of Union institutions, bodies, offices, agencies or international organisations <del>and CSDP missions and operations</del> to participate in its activities, in particular joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities <i>or pose risks to fundamental rights</i> . The	1. The Agency may, with the agreement of the Member States concerned, invite observers of Union institutions, bodies, offices, agencies or international organisations and CSDP missions and operations to participate in its activities, in particular joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The participation of those observers in	1. The Agency may, with the agreement of the Member States concerned, invite observers of Union institutions, bodies, offices, agencies or international organisations and CSDP missions and operations <b>in accordance with Article 69</b> to participate in its activities, in particular joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	<p>risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects, the participation of observers shall be subject to the agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation.</p>	<p>participation of those observers in risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects, the participation of observers shall be subject to the agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation.</p>	<p>risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects, the participation of observers shall be subject to the agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation.</p>	<p>participation of those observers in risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects, the participation of observers shall be subject to the agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation.</p>
<b>1061</b>	<p>2. The Agency may, with the agreement of the Member States concerned, invite observers from third countries to participate in its activities at the external borders referred to in Article 37 , return operations referred to in Article 51, return interventions referred to in Article 54 and training referred to in Article 62, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety</p>	<p>2. The Agency may, with the agreement of the Member States concerned, invite observers from third countries to participate in its activities at the external borders referred to in Article 37 , return operations referred to in Article 51, return interventions referred to in Article 54 and training referred to in Article 62, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety</p>	<p>2. The Agency may, with the agreement of the Member States concerned, invite observers from third countries to participate in its activities at the external borders referred to in Article 37 , return operations referred to in Article 51, return interventions referred to in Article 54 and training referred to in Article 62, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety</p>	<p>2. The Agency may, with the agreement of the Member States concerned, invite observers from third countries to participate in its activities at the external borders referred to in Article 37 , return operations referred to in Article 51, return interventions referred to in Article 54 and training referred to in Article 62, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety</p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	<p>of those activities. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in Articles 37, 43, 51 and 62 and only with the agreement of the host Member State regarding those referred to in Articles 37 and 54. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation. They shall be required to adhere to the codes of conduct of the Agency while participating in its activities.</p>	<p>of those activities <i>or the safety of third country nationals and the right to asylum</i>. The participation of those observers may take place only with the agreement of the Member States concerned. <del>regarding the activities referred to in Articles 37, 43, 51 and 62 and only with the agreement of the host Member State regarding those referred to in Articles 37 and 54.</del> Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation. They shall be required to adhere to the codes of conduct of the Agency while participating in its activities.</p>	<p>of those activities. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in Articles 37, 43, 51 and 62 and only with the agreement of the host Member State regarding those referred to in Articles 37 and 54. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation. They shall be required to adhere to the codes of conduct of the Agency while participating in its activities.</p>	<p>of those activities <i>or the safety of third country nationals</i>. The participation of those observers may take place only with the agreement of the Member States concerned <del>regarding the activities referred to in Articles 37, 43, 51 and 62 and only with the agreement of the host Member State regarding those referred to in Articles 37 and 54.</del> Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation. They shall be required to adhere to the codes of conduct of the Agency while participating in its activities.</p> <p><b>3. The Agency shall ensure that the presence of observers does not pose any risk related to the respect of fundamental rights.</b></p>
1062	CHAPTER III		CHAPTER III	
1063	False and Authentic Documents Online (FADO)		False and Authentic Documents Online (FADO)	
1064	Article 80		Article 80	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1065			The Agency shall take over and operate the False and Authentic Documents Online ('FADO') system established in accordance with Regulation of the European Parliament and of the Council on the false and authentic documents online ('FADO') system and repealing the Joint Action 98/700/JHA.	Issue to be further discussed
1066	1. The Agency shall take over and operate False and Authentic Documents Online (FADO) which is a database that shall contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. The FADO system shall not contain any personal data.	1. The Agency shall take over and operate <i>the</i> False and Authentic Documents Online (FADO) <i>database established by Joint Action 98/700/JHA</i> which is a database that shall contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. The FADO system shall not contain any personal data.	<del>1. The Agency shall take over and operate False and Authentic Documents Online (FADO) which is a database that shall contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. The FADO system shall not contain any personal data.</del>	
1067	The Member States shall transmit the data currently in FADO to the new system.	The Member States shall transmit the data currently in FADO to the new system.	<del>The Member States shall transmit the data currently in FADO to the new system.</del>	
1068	2. The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 117(2) in order to:	2. The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 117(2) in order to:	<del>2. The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 117(2) in order to:</del>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1069	(a) establish the technical specifications of FADO according to high standards;	(a) establish the technical specifications of FADO according to high standards;	<del>(a) establish the technical specifications of FADO according to high standards;</del>	
1070	(b) set up the procedures for controlling and verifying the information contained in FADO.	(b) set up the procedures for controlling and verifying the information contained in FADO.	<del>(b) set up the procedures for controlling and verifying the information contained in FADO.</del>	
1071		<i>CHAPTER IIIa</i>		
1072		<i>Joint parliamentary scrutiny</i>		
1073		<i>Article 80 a</i>		<b>EP maintains its amendment.</b>
1074		<i>Joint parliamentary scrutiny</i>		
1075		<i>1. In order to ensure parliamentary oversight of the Agency and to take into account the objective of shared responsibility at both the Union and national levels, as outlined in Article 7, the scrutiny functions attributed to the European Parliament by this Regulation shall be complemented by scrutiny exercised by a Joint Parliamentary Scrutiny Group (JPSG) established jointly by the national parliaments and the competent committee of the European Parliament.</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
1076		<p><i>2. The organisation and rules of procedure of the JPSG shall be determined jointly by the European Parliament and the national parliaments in accordance with Article 9 of Protocol No 1 on the role of national parliaments in the European Union, annexed to the TEU and to the TFEU. The rules of procedure shall contain provisions regarding the treatment and access of classified information and sensitive non-classified information in accordance with Article 91 of this Regulation. The rules of procedure shall also contain, amongst others, provisions regarding the frequency and location of meetings, the procedure of setting the agenda, clear decision-making provisions, the composition of the JPSG and information on the co-chairs of the JPSG, which shall be assigned to the competent committee of the European Parliament and the Member State holding the Presidency of the Council of the European Union in accordance with paragraph 3(b) of this Article. Members of the JPSG shall be chosen by their respective parliaments on the basis of their</i></p>		



	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>expertise on border management and the Agency with, where possible, a fixed mandate until the end of their mandate in their respective parliament. The European Parliament shall provide the secretariat of the JPSG.</i>		
1077		<i>3. The JPSG shall politically monitor the fulfilment by the Agency of its tasks and the fulfilment by the Member States of their responsibilities under this Regulation.</i>		
1078		<i>For the purposes of the first subparagraph:</i>		
1079		<i>(a) the chairperson of the management board and the executive director shall appear before the JPSG at its request to discuss matters relating to the activities referred to in the first subparagraph;</i>		
1080		<i>(b) the Member State holding the Presidency of the Council of the European Union at the time of the meeting of the JPSG shall appear before the JPSG at its request to discuss matters relating to the activities referred to in the first subparagraph; where that Member</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>State does not participate in the European Border and Coast Guard, the responsibility shall be taken up by the first Member State to both hold a subsequent Presidency and participate in the European Border and Coast Guard;</i>		
1081		<i>(c) the JPSG may decide to invite other relevant persons to its meetings, such as a representative of the consultative forum and the fundamental rights officer, to discuss general matters relating to the protection of fundamental rights.</i>		
1082		<i>4. The Agency shall transmit all the documents that it transmits to the European Parliament to the JPSG. Member States shall inform the JPSG, on an annual basis, about the fulfilment of their responsibilities under this Regulation.</i>		
1083		<i>Subject to Regulation (EC) No 1049/2001, the Agency shall provide the JPSG with any other document, upon its request, provided that the document is necessary for the fulfilment of its tasks relating to the</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>political monitoring of the Agency's activities.</i>		
1084		<i>The Member States shall provide the JPSG with any further information it requests taking into account their obligations regarding discretion and confidentiality.</i>		
1085		<i>5. The JPSG may draw up summary conclusions on the political monitoring of the European Border and Coast Guard and submit those conclusions to the European Parliament and to the national parliaments. The European Parliament shall forward those conclusions, for information purposes, to the Council, to the Commission and to the Agency.</i>		