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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL establishing the Internal Security Fund
- Outcome of the European Parliament's first reading,
(Strasbourg, 11 to 14 March 2019)

I. INTRODUCTION

The rapporteur, Monika HOHLMEIER (EPP, DE), presented a report on the proposal for a Regulation on behalf of the Committee on Civil Liberties, Justice and Home Affairs. The report contained 154 amendment(s) (amendments number 1-154) to the proposal.

In addition, the EPP political group tabled 2 amendment(s) (amendments number 159 and 160) and the ENF political group tabled 4 amendment(s) (amendments number 155, 156, 157 and 158).

II. VOTE

When it voted on 13 March 2019, the plenary adopted amendments 1-24, 26-59, 60 first part, 61-117, 119-154 as well as amendment 159 and 160 to the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Establishing the Internal Security Fund *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Internal Security Fund (COM(2018)0472 – C8-0267/2018 – 2018/0250(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0472),
 - having regard to Article 294(2), Article 82(1), Article 84 and Article 87(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0267/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0115/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) ***Ensuring internal security, which is a competence of the Member States, is a shared endeavour*** to which the EU institutions, relevant Union agencies ***and*** Member States should jointly contribute. In the period 2015 to 2020, the Commission, the Council of the European Union and the European Parliament have defined common priorities as set out in the European Agenda on Security of April 2015¹⁰, which were reaffirmed by the Council in the renewed Internal Security Strategy of June 2015¹¹ and by the European Parliament in its Resolution of July 2015¹². ***That shared strategy aimed at providing the strategic framework for the work at Union level in the area of internal security, and defined the main priorities for action to ensure an effective Union response to security threats for the period 2015-2020, namely tackling terrorism and preventing radicalisation, disrupting organised crime and fighting cybercrime.***

¹⁰ COM(2015)0185 of 28 April 2015.

¹¹ Council Conclusions of 16 June 2015 on the renewed European Union Internal Security Strategy 2015-2020.

¹² European Parliament resolution of 9 July 2015 on the European Agenda on Security (2015/2697(RSP)).

Amendment

(1) ***While national security remains solely a competence of the Member States, protecting it requires cooperation and coordination at Union level. Internal security is a joint undertaking*** to which the EU institutions, relevant Union agencies and Member States, ***with the help of the private sector and civil society,*** should jointly contribute. In the period 2015 to 2020, the Commission, the Council of the European Union and the European Parliament have defined common priorities as set out in the European Agenda on Security of April 2015¹⁰, which were reaffirmed by the Council in the renewed Internal Security Strategy of June 2015¹¹ and by the European Parliament in its Resolution of July 2015¹², namely ***preventing and combating terrorism and preventing radicalisation, including online radicalisation, and violent extremism, intolerance and discrimination,*** disrupting organised crime and fighting cybercrime.

¹⁰ COM(2015)0185 of 28 April 2015.

¹¹ Council Conclusions of 16 June 2015 on the renewed European Union Internal Security Strategy 2015-2020.

¹² European Parliament resolution of 9 July 2015 on the European Agenda on Security (2015/2697(RSP)).

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) In the Rome Declaration signed on 25 **September** 2017, leaders of 27 Member States affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.

Amendment

(2) In the Rome Declaration signed on 25 **March** 2017, leaders of 27 Member States, ***the European Council, the European Parliament and the European Commission*** affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) To achieve this objective, actions should be taken at Union level to protect people **and goods** from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism, serious and organised crime, itinerant crime, drug trafficking, corruption, cybercrime, trafficking in human beings **and arms**, among others, continue to challenge the internal security of the Union.

Amendment

(5) To achieve this objective, actions should be taken at Union level to protect people, ***public spaces and critical infrastructure*** from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism, serious and organised crime, itinerant crime, drug ***and arms*** trafficking, corruption, ***money laundering***, cybercrime, ***sexual exploitation, including of children, hybrid threats, as well as chemical, biological, radiological and nuclear threats***, trafficking in human beings, among others, continue to challenge the internal security ***and the internal market*** of the Union.

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The Fund should provide financial support to address the emerging challenges posed by the significant increase in the scale of certain types of crime, such as payment fraud, child sexual exploitation and trafficking in weapons, being committed via the internet in recent years ('cyber-enabled crimes').

Amendment 5

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action by Member States alone. ***In-line*** with Articles 84 and 87(2) of the TFEU, funding should support measures to promote and support the action of Member States in the field of crime prevention and police cooperation involving all the Member States' competent authorities concerning especially information exchange, increased operational cooperation and supporting efforts to strengthen capabilities to combat and to prevent crime. The Fund should not support operating costs and activities related to the essential functions of the Member States concerning the maintenance of law and order and the safeguarding of internal and national security as referred to in Article 72 of the TFEU.

(6) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action by Member States alone. ***In line*** with Articles 84 and 87(2) of the TFEU, funding should support measures to promote and support the action of Member States in the field of crime prevention, ***joint training*** and police ***and judicial*** cooperation involving all the Member States' competent authorities ***and Union agencies*** concerning especially information exchange, increased operational cooperation and supporting efforts to strengthen capabilities to combat and to prevent crime. The Fund should not support operating costs and activities related to the essential functions of the Member States concerning the maintenance of law and order and the safeguarding of internal and national security as referred to in Article 72 of the

Amendment 6**Proposal for a regulation****Recital 7***Text proposed by the Commission*

(7) To preserve the Schengen acquis and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation. Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and freedoms and the rule of law, a strong attention to the global perspective and the necessary coherence with the external dimension of security should be key principles guiding the Union and Member States' action towards the development of an effective and genuine security union.

Amendment

(7) To preserve the Schengen acquis **and the entire Union internal market area**, and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation. Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and freedoms and the rule of law, a strong attention to the global perspective and the necessary coherence with the external dimension of security should be key principles guiding the Union and Member States' action towards the development of an effective and genuine security union.

Amendment 7**Proposal for a regulation****Recital 9***Text proposed by the Commission*

(9) The Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international

Amendment

(9) The Fund should be implemented in full compliance with the **values enshrined in Article 2 of the Treaty on European Union (TEU)**, the rights and principles enshrined in the Charter of Fundamental

obligations as regards fundamental rights.

Rights of the European Union and with the Union's international obligations as regards *human* rights. *In particular, this Regulation seeks to ensure that fundamental rights, such as the right to human dignity, the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, the right to protection of personal data, the rights of the child and the right to have an effective remedy, are fully respected. It also seeks to promote the application of the principle of non-discrimination.*

Amendment 8

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) *Raising awareness among law enforcement personnel about issues related to all forms of racism, including antisemitism and antiziganism, is a key success factor for internal security. Awareness-raising training and education measures for law enforcement actors should therefore be included in the scope of the Fund in order to increase trust-building capacity at a local level.*

Amendment 9

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) In line with the shared priorities identified at Union level to ensure a high level of security in the Union, the Fund will support actions aimed at addressing

(11) In line with the shared priorities identified at Union level to ensure a high level of security in the Union, the Fund will support actions aimed at addressing

the main security threats and in particular **tackling** terrorism and radicalisation, serious and organised crime and cybercrime **and** assisting and protecting victims of crime. The Fund will ensure that the Union and its Member States are well equipped also to address evolving and emerging threats with a view to implementing a genuine security union. This should be pursued through financial assistance to support better information exchange, increase operational cooperation and improve national and collective capabilities.

the main security threats and in particular **preventing and combating** terrorism and **violent extremism, including** radicalisation, **intolerance and discrimination**, serious and organised crime, and cybercrime **as well as** assisting and protecting victims of crime **and protecting critical infrastructure**. The Fund will ensure that the Union and its Member States are well equipped also to address evolving and emerging threats, **such as trafficking, including via online channels, hybrid threats and chemical, biological, radiological and nuclear threats**, with a view to implementing a genuine security union. This should be pursued through financial assistance to support better information exchange, **to** increase operational cooperation and improve national and collective capabilities.

Amendment 10

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Within the comprehensive framework of the Fund, the financial assistance provided through the Fund should in particular support police and judicial cooperation and prevention in the fields of serious and organised crime, illicit arms trafficking, corruption, money laundering, drug trafficking, environmental crime, **exchange of and access to information**, terrorism, trafficking in human beings, exploitation of **illegal immigration, child** sexual exploitation, distribution of child abuse images and child pornography, and cybercrime. The Fund should also support the protection of people, public spaces and critical infrastructure against security-related incidents and the effective management of

Amendment

(12) Within the comprehensive framework of the Fund, the financial assistance provided through the Fund should in particular support **exchange of and access to information as well as** police and judicial cooperation and prevention in the fields of serious and organised crime, illicit arms trafficking, corruption, money laundering, drug trafficking, environmental crime, terrorism, trafficking in human beings, exploitation of **refugees and irregular migrants, severe labour exploitation, and abuse, including of children and women**, distribution of child abuse images and child pornography, and cybercrime. The Fund should also support the protection of people, public spaces and

security-related risks and crises, including through the development of common policies (strategies, policy cycles, programmes and action plans), legislation and practical cooperation.

critical infrastructure against security-related incidents and the effective management of security-related risks and crises, including through **joint training**, the development of common policies (strategies, policy cycles, programmes and action plans), legislation and practical cooperation.

Amendment 11

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) The Fund should provide assistance to law enforcement authorities irrespective of their organisational structure under national law. For this reason, actions involving military forces charged with internal security tasks should also be eligible for support from the Fund, to the extent that such actions serve to contribute to the achievement of the specific objectives of the Fund. In emergency situations, and to address and prevent serious risks to public security, including in the aftermath of a terrorist attack, actions by military forces inside the territory of the Member State should be eligible for support from the Fund. Peace-keeping or defence actions outside the territory of the Member State should under no circumstances be eligible for assistance from the Fund.

Amendment 12

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) There is a need to maximise the impact of Union funding by mobilising, pooling and leveraging public and private financial resources. The Fund should promote and encourage the active and meaningful participation and involvement of civil society, including non-governmental organisations, as well as the industrial sector in the development and implementation of security policy, including where relevant with involvement of other relevant actors, Union agencies and other Union bodies, **third countries** and international organisations in relation to the objective of the Fund.

Amendment

(14) There is a need to maximise the impact of Union funding by mobilising, pooling and leveraging public and private financial resources. The Fund should promote and encourage the active and meaningful participation and involvement of civil society, including non-governmental organisations, as well as the **European** industrial sector in the development and implementation of security policy, **in particular as regards cybersecurity**, including where relevant with involvement of other relevant actors, Union agencies and other Union bodies and international organisations in relation to the objective of the Fund. **However, it should be ensured that support from the Fund is not used to delegate statutory or public tasks to private actors.**

Amendment 13

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) With a view to ensuring that the Fund makes an effective contribution to a higher level of internal security throughout the European Union, to the development of a genuine security union, it should be used in a way that adds most value to the action of the Member States.

Amendment

(16) With a view to ensuring that the Fund makes an effective contribution to a higher level of internal security throughout the European Union, to the development of a genuine security union, it should be used in a way that adds most **European** value to the action of the Member States.

Amendment 14

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) To contribute to the achievement of the objectives of the Fund, Member States should ensure that the priorities of their programmes **address** the specific objectives of the Fund, that the priorities chosen are in-line with the implementing measures as set out in **Annex II** and that the allocation of resources between objectives ensures that the overall policy objective can be met.

Amendment

(18) To contribute to the achievement of the objectives of the Fund, Member States should ensure that the priorities of their programmes **contribute to the achievement of** the specific objectives of the Fund, that the priorities chosen are in-line with the implementing measures as set out in and that the allocation of resources between objectives **is proportionate to challenges and needs and** ensures that the overall policy objective can be met

Amendment 15

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) The Fund should be coherent with and complementary to other Union financial programmes in the field of security. Synergies will be **sought** ensured in particular with the Asylum and Migration Fund, the Integrated Border Management Fund consisting of the border management and visa instrument established by Regulation (EU) X and the customs control equipment instrument established by Regulation (EU) X as well as the other Cohesion Policy Funds covered by Regulation (EU) X [CPR], the security research part of the Horizon Europe programme established by Regulation (EU) X, the Rights and Values programme established by Regulation X, the Justice programme established by Regulation EU X, the Digital Europe programme established by Regulation EU X and the InvestEU programme established by Regulation EU X. Synergies should be sought in particular on security of

Amendment

(20) The Fund should be coherent with and complementary to other Union financial programmes in the field of security. Synergies will be ensured in particular with the Asylum and Migration Fund, the Integrated Border Management Fund consisting of the border management and visa instrument established by Regulation (EU) X and the customs control equipment instrument established by Regulation (EU) X as well as the other Cohesion Policy Funds covered by Regulation (EU) X [CPR], the security research part of the Horizon Europe programme established by Regulation (EU) X, the Rights and Values programme established by Regulation X, the Justice programme established by Regulation EU X, the Digital Europe programme established by Regulation EU X and the InvestEU programme established by Regulation EU X. Synergies should be sought in particular on security of

infrastructure and public spaces, cybersecurity and the prevention of radicalisation. Effective coordination mechanisms are essential to maximise the effective achievement of policy objectives, exploit economies of scale and avoid overlaps between actions.

infrastructure and public spaces, cybersecurity, *the protection of victims* and the prevention of *violent extremism, including* radicalisation. Effective coordination mechanisms are essential to maximise the effective achievement of policy objectives, exploit economies of scale and avoid overlaps between actions.

Amendment 16

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Measures in and in relation to third countries supported through the Fund should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's *external action* and foreign policy related to the country or region in question. In relation to the external dimension, the Fund should enhance cooperation with third countries in areas of interest to the Union's internal security, such as countering terrorism and radicalisation, cooperation with third country law enforcement authorities in the fight against terrorism (including detachments and joint investigation teams), serious and organised crime and corruption, trafficking in human beings and migrant smuggling.

Amendment

(21) Measures in and in relation to third countries supported through the Fund should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of *external action*, the Union's foreign *policy* and *development aid* policy related to the country or region in question. In relation to the external dimension, the Fund should enhance cooperation with third countries in areas of interest to the Union's internal security, such as countering terrorism and radicalisation, cooperation with third country law enforcement authorities in the fight against terrorism (including detachments and joint investigation teams), *trafficking, in particular of arms, drugs, endangered species and cultural goods*, serious and organised crime and corruption, trafficking in human beings and migrant smuggling.

Amendment 17

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Under Regulation (EU) No X of the European Parliament and of the Council^{1a}, the Union should take action to protect its budget whenever a generalised deficiency as regards the rule of law is established in a Member State. Regulation (EU) No X should apply to this Fund.

^{1a} Proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (COM(2018)0324).

Amendment 18

Proposal for a regulation Recital 24

Text proposed by the Commission

Amendment

(24) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation.

(24) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. ***The implementation of the Fund should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of the Fund should be as user-friendly as possible.***

Amendment 19

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) These initial amounts should form the basis for Member States' long-term investments in security. To take account of changes in security threats or in the baseline situation, an additional amount should be allocated to the Member States at mid-term based on the latest available statistical data, as set out in the distribution key, taking into account the state of programme implementation.

Amendment

(26) These initial amounts should form the basis for Member States' long-term investments in security. To take account of changes in ***internal and external*** security threats or in the baseline situation, an additional amount should be allocated to the Member States at mid-term based on the latest available statistical data, as set out in the distribution key, taking into account the state of programme implementation.

Amendment 20

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The critical infrastructure that the Member States have to protect should be taken into account when resources available from the Fund are distributed.

Amendment 21

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) As challenges in the area of security are constantly evolving, there is a need to adapt the allocation of funding to changes in security threats and steer funding

Amendment

(27) As challenges in the area of security are constantly evolving, there is a need to adapt the allocation of funding to changes in ***internal and external*** security threats

towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance via a thematic facility.

and steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance via a thematic facility.

Amendment 22

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) Member States should be encouraged to use part of their programme allocation to fund actions listed in Annex IV benefiting from a higher Union contribution.

Amendment

(28) Member States should be encouraged to use part of their programme allocation to fund actions listed in Annex IV benefiting from a higher Union contribution, ***primarily because of their significant European added value or their high importance for the Union.***

Amendment 23

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) To complement the implementation of its policy objective at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new

Amendment

(31) To complement the implementation of its policy objective at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union ***or***

initiatives and actions across the Union.

among certain Member States. In this regard, cooperation between Member States' intelligence services should be encouraged with a view to ensure the necessary information exchange to enhance the effectiveness of the fight against terrorism as well as serious and organised crime, and to contribute to a better understanding of their cross-border nature. The Fund should support Member States' efforts to exchange best practice and to promote joint training in order to help develop a culture of cooperation and mutual trust between intelligence services as well as between intelligence services and Europol.

Amendment 24

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33 a) *In light of the transnational nature of Union actions and in order to promote coordinated action to fulfil the objective of ensuring the highest level of security in the Union, decentralised agencies should also be eligible as beneficiaries of Union action, including in the form of grants. Such support should be consistent with the priorities and initiatives identified at Union level by the Union institutions to ensure European added value.*

Amendment 159

Proposal for a regulation Recital 37

Text proposed by the Commission

Amendment

(37) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, the Financial Regulation and the Common Provisions Regulation (EU) No X¹⁸.

¹⁸ *Full reference*

(37) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, the Financial Regulation and the Common Provisions Regulation (EU) No X **[CPR]**¹⁸. ***In the event of conflicting provisions, this Regulation should take precedence over Regulation (EU) No X [CPR].***

¹⁸ ***Regulation of the European Parliament and of the Council of ... /... laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (COM(2018)0375).***

Amendment 26

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Regulation (EU) No X [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum **and** Migration Fund (AMIF), Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the Internal Security Fund in this Regulation, and to lay down specific provisions concerning the activities that

Amendment

(38) Regulation (EU) No X [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum, Migration **and Integration** Fund (AMIF), Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the Internal Security Fund in this Regulation and to lay down specific provisions concerning the

may be financed with the support of this Fund.

activities that may be financed with the support of this Fund.

Amendment 27

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) To ensure that the Fund supports actions addressing all the specific objectives of the Fund, and that the allocation of resources among the objectives is proportionate to challenges and needs, so that the objectives can be met, a minimum percentage of allocation from the Fund should be defined for each specific objective of the Fund, both for the national programmes and the thematic facility.

Amendment 28

Proposal for a regulation Recital 40

Text proposed by the Commission

Amendment

(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁹, Council Regulation (Euratom, EC) No 2988/95²⁰, Council Regulation (Euratom, EC) No 2185/96²¹ and Council Regulation (EU) 2017/1939²², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of

(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁹, Council Regulation (Euratom, EC) No 2988/95²⁰, Council Regulation (Euratom, EC) No 2185/96²¹ and Council Regulation (EU) 2017/1939²², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of

administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with Council Regulation (EU) 2017/1939, the European Public Prosecutor's Office may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

¹⁹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

²⁰ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities

administrative *and/or criminal* sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with Council Regulation (EU) 2017/1939, the European Public Prosecutor's Office may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. ***Member States shall cooperate fully and provide all necessary assistance to Union institutions, agencies and bodies in the protection of the Union's financial interests. The results of investigations into irregularities or fraud in relation to the Fund should be made available to the European Parliament.***

¹⁹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

²⁰ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities

financial interests (OJ L 312, 23.12.95, p. 1).

²¹ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

²² Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

²³ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

financial interests (OJ L 312, 23.12.95, p. 1).

²¹ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

²² Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

²³ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

Amendment 29

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) Pursuant to Article 349 of the TFEU and in line with the Commission Communication "A stronger and renewed strategic partnership with the EU's outermost regions²⁵", endorsed by the Council in its conclusion of 12 April 2018, relevant Member States should ensure that their programmes address the specific challenges the outermost regions face. The Fund supports these Member States with adequate resources to help these regions as appropriate.

²⁵ COM (2017)623 final.

Amendment

deleted

Amendment 30

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016²⁶, there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, indicators and related targets should be established in relation to each specific objective of the Fund.

²⁶ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Amendment

(44) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016²⁶, there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, indicators and related targets should be established in relation to each specific objective of the Fund. ***Those indicators should include qualitative and quantitative indicators.***

²⁶ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Amendment 31

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of 25% of the EU budget

Amendment

(45) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of 25% of the EU budget

expenditures supporting climate objectives.
Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

expenditures supporting climate objectives
over the MFF 2021-2027 period and an annual target of 30 % as soon as possible and at the latest by 2027.

Amendment 32

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) Through these indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund in accordance with the relevant provisions of Regulation (EU) No X [CPR] and this Regulation.

Amendment

(46) Through these indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund in accordance with the relevant provisions of Regulation (EU) No X [CPR] and this Regulation. *To adequately fulfil its supervisory role, the Commission should be in a position to establish the amounts actually spent from the Fund in a given year. When reporting the annual accounts of their national programme to the Commission, Member States should therefore distinguish between recoveries, pre-financing payments to final beneficiaries and reimbursement of expenditure that was actually incurred. To facilitate the audit and the monitoring of the implementation of the Fund, the Commission should include those amounts in its annual implementation report for the Fund. The Commission should present a summary of the accepted annual performance reports to the European Parliament and the Council every year. Upon request, the Commission should make the full text of the annual performance reports available to the European Parliament and the Council.*

Amendment 33

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) In order to supplement and amend non-essential elements in this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.

Amendment

(47) In order to supplement and amend non-essential elements in this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of **work programmes for the thematic facility**, the list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.

Amendment 34

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers²⁷. The **examination procedure**

Amendment

(48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers²⁷. The advisory procedure should

should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

²⁷ OJ L 55, 28.2.2011, p. 13.

be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

²⁷ OJ L 55, 28.2.2011, p. 13.

Amendment 35

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the Internal Security Fund ('the Fund').

Amendment

1. This Regulation establishes the Internal Security Fund ('the Fund') *for the period from 1 January 2021 to 31 December 2027.*

Amendment 36

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. *It* lays down the objectives of the Fund, the budget for the period 2021-2027, the forms of Union funding and the rules providing *for* such funding.

Amendment

2. ***This Regulation*** lays down:

- a) the objectives of the Fund;
- b) ***the specific objectives of the Fund and measures to implement those specific objectives;***

- c) the budget for the period 2021-2027;
- d) the forms of Union funding and the rules *for* providing such funding.

Amendment 37 Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘cybercrime’ means cyber-dependent crimes, that is to say crimes that can be committed only through the use of information and communications technology (ICT) devices and systems, where the devices and systems are either tools for committing the crime or the primary targets of the crime; and cyber-enabled crimes, that is to say traditional crimes, *such as child sexual exploitation*, which can be increased in scale or reach by the use of computers, computer networks or other forms of ICT;

Amendment

(d) ‘cybercrime’ means cyber-dependent crimes, that is to say crimes that can be committed only through the use of information and communications technology (ICT) devices and systems, where the devices and systems are either tools for committing the crime or the primary targets of the crime; and cyber-enabled crimes, that is to say traditional crimes, which can be increased in scale or reach by the use of computers, computer networks or other forms of ICT;

Amendment 38

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘EU Policy Cycle’ refers to an intelligence-led and multidisciplinary initiative with the aim to fight the most important serious and organised crime threats to the Union by encouraging cooperation between the Member States, the Union institutions, the agencies and where relevant third countries and organisations;

Amendment

(f) ‘EU Policy Cycle’ refers to an intelligence-led and multidisciplinary initiative with the aim to fight the most important serious and organised crime threats to the Union by encouraging cooperation between the Member States, the Union institutions, *the Union Justice and Home Affairs* agencies and where relevant third countries and *specific international* organisations;

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘exchange of and access to information’ means the secure collection, storage, processing, analysis and exchange of information relevant to the authorities referred to in Article 87 TFEU as well as to Europol in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular cross-border organised crime;

Amendment

(g) ‘exchange of and access to information’ means the secure collection, storage, processing, analysis and exchange of information relevant to the authorities referred to in Article 87 TFEU as well as to Europol, ***Eurojust and the European Public Prosecutor’s Office*** in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular ***terrorism and cybercrime, as well as*** cross-border ***serious and*** organised crime, ***processed in compliance with applicable Union data protection rules;***

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) ***‘judicial cooperation’ means judicial cooperation in criminal matters;***

Amendment

deleted

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘LETS’ means the European Law Enforcement Training Scheme, aimed at equipping law enforcement officers with the knowledge and skills they need to

Amendment

(i) ‘LETS’ means the European Law Enforcement Training Scheme, aimed at equipping law enforcement officers with the knowledge and skills they need to

prevent and combat cross-border crime effectively through efficient cooperation, as outlined in the Commission Communication of 27 March 2013 on establishing a European LETS³¹ and further referred to in the CEPOL Regulation³² ;

³¹ COM(2013)0172 establishing a European Law Enforcement Training Scheme (LETS).

³² Regulation (EU) 2015/2219 of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL).

prevent and combat *organised and serious* cross-border crime *and terrorism* effectively through efficient cooperation, as outlined in the Commission Communication of 27 March 2013 on establishing a European LETS³¹ and further referred to in the CEPOL Regulation³²;

³¹ COM(2013)0172 establishing a European Law Enforcement Training Scheme (LETS).

³² Regulation (EU) 2015/2219 of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL).

Amendment 42

Proposal for a regulation

Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘preparedness’ means *any measure* aimed at preventing or reducing risks linked to possible terrorist attacks or other security-related incidents;

Amendment

(k) ‘preparedness’ means *specific measures* aimed at preventing or reducing risks linked to possible terrorist attacks or other security-related incidents;

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. The policy objective of the Fund shall be to contribute to ensuring a high level of security in the Union, in particular by *tackling* terrorism and radicalisation, serious and organised crime *and*

Amendment

1. The policy objective of the Fund shall be to contribute to ensuring a high level of security in the Union, *inter alia through increased cooperation*, in particular by *preventing and combating*

cybercrime *and* by assisting and protecting victims of crime.

terrorism and *violent extremism, including* radicalisation, serious and organised crime, cybercrime, *as well as* by assisting and protecting victims of crime. *The Fund shall also support preparedness for and management of security-related incidents.*

Amendment 44

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) to *increase* the exchange of information among and within *the Union* law enforcement and other competent authorities and other relevant Union bodies *as well as* with third countries and international organisations;

Amendment

(a) to *improve and facilitate* the exchange of *relevant and accurate* information among and within law enforcement and *judicial authorities of the Member States*, other competent authorities *of the Member States* and other relevant Union bodies, *in particular Europol and Eurojust, and, where relevant*, with third countries and international organisations;

Amendment 45

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) to intensify cross-border joint operations among and within the *Union* law enforcement and other competent authorities in relation to serious and organised crime with a cross-border dimension; *and*

Amendment

(b) to *improve and* intensify cross-border *coordination and cooperation, including relevant* joint operations among and within the *Member States'* law enforcement and other competent authorities in relation to *terrorism, and* serious and organised crime with a cross-border dimension;

Amendment 46

Proposal for a regulation Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) to support **effort at** strengthening the capabilities in relation to combatting and preventing crime including terrorism in particular through increased cooperation between public authorities, civil society and private **partners** across the Member States.

Amendment

(c) to support **the necessary** strengthening **of** the capabilities **of the Member States** in relation to combatting and preventing crime, including terrorism, **cybercrime and violent extremism, including radicalisation**, in particular through increased cooperation between public authorities, **the relevant Union agencies**, civil society and private **actors, within and** across the Member States, **and civilian crisis management following a security-related incident**;

Amendment 47

Proposal for a regulation Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) to develop a common intelligence culture by supporting contacts and mutual trust, understanding and learning, the dissemination of know-how and best practices among the intelligence services of the Member States and with Europol, notably through joint training and the exchange of experts.

Amendment 48

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented through the implementation measures listed in *Annex II*.

Amendment

3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented, *inter alia*, through the implementation measures listed in *Article 3a*.

Amendment 49

Proposal for a regulation Article 3 – paragraph 4

Text proposed by the Commission

4. *Actions* funded shall be implemented in full *respect for* fundamental rights and human dignity. In particular, *actions* shall comply with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). *In particular, wherever possible, special attention shall be given by Member States when implementing actions to the assistance and protection of* vulnerable persons, in particular children and unaccompanied minors.

Amendment

4. *Operations* funded shall be implemented in full *compliance with* fundamental rights and human dignity *and the values enshrined in Article 2 of the Treaty on European Union (TEU), and the funding shall be interrupted and recovered in case of clear and substantiated evidence that the actions contribute to violation of such rights*. In particular, *operations* shall comply with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Special attention shall be given when implementing *operations relating to* vulnerable persons, in particular children and unaccompanied minors.

Amendment 50 Proposal for a regulation Article 3 a (new)

Article 3 a

Implementation measures

1. The Fund shall contribute to achieving the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:

(a) ensuring uniform application of the Union acquis on security, supporting the exchange of relevant information, including through the implementation of recommendations from quality control and evaluation mechanisms, such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms;

(b) setting up, adapting and maintaining security-relevant Union IT systems and communication networks, including ensuring their interoperability, and developing appropriate tools to address identified gaps;

(c) increasing the active use of Union security-relevant information exchange tools, systems and databases, improving the interconnection of security-relevant national databases as well as their connection to Union databases when foreseen in relevant legal bases, ensuring that those databases are fed with relevant high quality data; and

(d) supporting relevant national measures to implement the specific objectives set out in Article 3(2)(a).

2. The Fund shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures:

(a) increasing relevant law enforcement operations between Member States, including, where appropriate, with other relevant actors, in particular facilitating and improving the use of joint investigation teams, joint patrols, hot

pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations;

(b) increasing coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;

(c) improving inter-agency cooperation and, at Union level, between the Member States themselves, or between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand, as well as at national level among the competent national authorities in each Member State;

3. The Fund shall contribute to the specific objective set out in Article 3(2)(c) by focusing on the following implementation measures:

(a) increasing law enforcement training, exercises and mutual learning, notably by including elements aimed at raising awareness on issues related to radicalisation, violent extremism and racism, specialised exchange programmes between Member States, including for junior law enforcement staff, and sharing of best practice including with third countries and other relevant actors;

(b) exploiting synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, common operational support centres for jointly conducted operations, or the sharing of best practices in preventing crime at the local level;

(c) promoting and developing measures, safeguards, mechanisms and best practices for the early identification,

protection and support of witnesses, whistle-blowers and victims of crime and developing partnerships between public authorities and other relevant actors to this effect;

(d) acquiring relevant equipment and setting up or upgrading specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats;

(e) detecting, assessing and closing vulnerabilities in critical infrastructure and IT equipment with high market penetration in order to prevent attacks against information systems and critical infrastructure, for instance by code auditing of free and open source software, by establishing and supporting bug bounty programmes, or by penetration testing.

4. The Fund shall contribute to the achievement of the specific objective set out in Article 3(2)(c a) by focusing on the following implementation measures:

(a) improving cooperation and coordination among the intelligence services of the Member States and between these services and law enforcement authorities through contacts, networking, mutual trust, understanding and learning, exchange and dissemination of know-how, experience and best practices, in particular with regard to support for police investigations and threat assessment;

(b) the exchange of and training of intelligence officers.

Amendment 51

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Within the objectives referred to in Article 3 and*** in-line with the implementation measures listed in ***Annex II***, the Fund shall ***in particular*** support the actions listed in Annex III.

1. In-line with the implementation measures listed in ***Article 3 a***, the Fund shall support ***actions that contribute to the achievement of the objectives referred to in Article 3. They may include*** the actions listed in Annex III.

Amendment 52

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. To achieve the objectives of this Regulation, the ***Fund*** may support ***the*** actions ***in-line with Union priorities*** as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5.

2. To achieve the objectives ***referred to in Article 3*** of this Regulation, the ***Fund*** may ***in exceptional cases, within defined limits and subject to appropriate safeguards***, support actions as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5.

Amendment 53

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 8 shall not exceed 2% of the total amount allocated to the thematic facility under Article 7(2)(b).

Amendment 54

Proposal for a regulation Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 12 shall not exceed, for each Member State, 2% of the total amount allocated to that Member State in accordance with Article 7(2)(a), Article 10(1) and Annex I.*

Amendment 55

Proposal for a regulation Article 4 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) actions limited to the maintenance of public order at national level;

(a) actions limited to, ***or mainly consisting of,*** the maintenance of public order at national level;

Amendment 56

Proposal for a regulation Article 4 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) equipment of which ***at least one of the purposes*** is customs control;

(d) equipment of which ***the main purpose*** is customs control;

Amendment 57

Proposal for a regulation

Article 4 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where an emergency situation occurs, non-eligible actions referred to in ***this paragraph*** may be considered eligible.

Amendment

Where an emergency situation occurs, non-eligible actions referred to in ***points (a) and (b) of the first subparagraph*** may be considered eligible.

Amendment 58

Proposal for a regulation

Article 5 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) third country listed in the work programme under the conditions specified therein.

Amendment

(ii) ***a*** third country listed in the work programme under the conditions specified therein, ***subject to the condition that all actions by, in, or in relation to, that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and the international obligations of the Union and the Member States.***

Amendment 59

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) any legal entity created under Union law or any international organisation.

Amendment

(b) any legal entity created under Union law or any ***relevant*** international organisation.

Amendment 60

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.

Amendment

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action, ***following approval by the Commission.***

Amendment 61

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states ***or in third countries,*** are eligible.

Amendment

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or ***in*** overseas countries or territories linked to those states are eligible.

Amendment 62

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on bringing added value to the objectives of this Regulation.

Amendment

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on bringing ***European*** added value to the objectives of this Regulation.

Amendment 63

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to *other Union* instruments.

Amendment

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to *national* instruments *and coordinated with other instruments of the Union, in particular actions carried out under other Union funds*.

Amendment 64

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The financial envelope for the implementation of the Fund for the period 2021-2027 shall be EUR 2 500 000 000 in current prices.

Amendment

1. The financial envelope for the implementation of the Fund for the period 2021-2027 shall be EUR **2 209 725 000 in 2018 prices** (EUR 2 500 000 000 in current prices).

Amendment 65

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

Text proposed by the Commission

(a) EUR 1 500 000 000 shall be allocated to the programmes implemented under shared management;

Amendment

(a) **EUR 1 325 835 000 in 2018 prices** (EUR 1 500 000 000 *in current prices*) shall be allocated to the programmes

implemented under shared management;

Amendment 66

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) EUR 1 000 000 000 shall be allocated to the thematic facility.

Amendment

(b) **EUR 883 890 in 2018 prices** (EUR 1 000 000 000 **in current prices**) shall be allocated to the thematic facility.

Amendment 67

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Funding from the thematic facility shall address priorities with a high added value to the Union **or to** be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex **II**.

Amendment

2. Funding from the thematic facility shall address priorities with a high added value to the Union be used to respond to urgent needs, in line with agreed Union priorities as outlined in **Article 3 a, for specific measures such as those listed in Annex III, or to support measures in accordance with Article 19. The allocation of resources of the thematic facility among the different priorities shall, as far as possible, be proportionate to challenges and needs so as to ensure that the objectives of the Fund can be met.**

Amendment 68

Proposal for a regulation

Article 8 – paragraph 2 a (new)

2 a. The funding from the thematic facility shall be allocated as follows:

a) a minimum of 10 % to the specific objective referred to in point (a) of Article 3(2);

b) a minimum of 10 % to the specific objective referred to in point (b) of Article 3(2);

c) a minimum of 30 % to the specific objective referred to in point (c) of Article 3(2);

d) a minimum of 5% to the specific objective referred to in point (c a) of Article 3(2).

Amendment 69

Proposal for a regulation Article 8 – paragraph 3

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ***it*** shall be ***ensured that selected projects are not affected by*** a reasoned opinion by the Commission in respect of an infringement under Article 258 ***of the TFEU that puts at risk the legality and regularity of expenditure or the performance of projects.***

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ***no funding*** shall be ***available for*** projects, ***where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be in doubt as a result of*** a reasoned opinion ***issued*** by the Commission in respect of an infringement ***procedure*** under Article 258 ***TFEU.***

Amendment 70

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of the Regulation (EU) No [CPR], **assess whether the foreseen actions are not affected by** a reasoned opinion by the Commission in respect of an infringement under Article 258 **of the TFEU that puts at risk the legality and regularity of expenditure or the performance of the projects.**

Amendment

4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of the Regulation (EU) No X [CPR], **ensure that no funding is available for projects, where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be in doubt as a result of** a reasoned opinion issued by the Commission in respect of an infringement **procedure** under Article 258 **TFEU.**

Amendment 71

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. The Commission shall establish the overall amount made available for the thematic facility **at** under the annual appropriations of the Union budget. The Commission shall adopt **financing decisions** as referred to in Article [110] of the Financial Regulation for the thematic facility identifying the objectives and actions to be supported and specifying the amounts for each of its components as referred to paragraph 1. **Financing decisions** shall set out, where applicable, the overall amount reserved for blending operations.

Amendment

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. The Commission shall **be empowered to adopt delegated acts in accordance with Article 28 in order to supplement this Regulation by laying down work programmes** as referred to in Article [110] of the Financial Regulation for the thematic facility identifying the objectives and actions to be supported and specifying the amounts for each of its components as referred to paragraph 1. **Before the adoption of a work programme, the Commission shall consult relevant stakeholders, including**

civil society organisations. Work programmes shall set out, where applicable, the overall amount reserved for blending operations. To ensure a timely availability of resources, the Commission may separately adopt a work programme for emergency assistance.

Amendment 72

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. Following the **adopting** of the **financing decision** as referred to in paragraph 3, the Commission may amend the programmes implemented under shared management accordingly.

Amendment

6. Following the **adoption** of the **work programme** as referred to in paragraph 5, the Commission may amend the programmes implemented under shared management accordingly.

Amendment 73

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

7. These **financing decisions** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment

7. These **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment 74

Proposal for a regulation Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for technical assistance at the initiative of the Member States.*

Amendment 75

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall ensure that the priorities addressed in *its* programmes are consistent with and respond to Union priorities and challenges in the area of security and are fully in line with the relevant Union acquis and agreed Union priorities. In defining these priorities of their programmes, Member States shall ensure that the implementing measures as set out in *Annex II* are adequately addressed in the programme.

1. Each Member State **and the Commission** shall ensure that the priorities addressed in **the national** programmes are consistent with and respond to Union priorities and challenges in the area of security and are fully in line with the relevant Union acquis and agreed Union priorities. In defining these priorities of their programmes, Member States shall ensure that the implementation measures as set out in **Article 3 a** are adequately addressed in the programme.

Amendment 76

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

Text proposed by the Commission

Amendment

1 a. *When assessing the national programs of the Member States, the Commission shall ensure that the planned actions are not affected by a reasoned opinion that it has delivered concerning an infringement under Article 258 TFEU*

relating to the legality and regularity of expenditure or the execution of projects.

Amendment 77

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

Text proposed by the Commission

Amendment

1 b. Member States shall allocate the resources for their national programmes as follows:

a) a minimum of 10% to the specific objective referred to in point (a) of Article 3(2);

b) a minimum of 10 % to the specific objective referred to in point (b) of Article 3(2);

c) a minimum of 30 % of the to the specific objective referred to in point (c) of Article 3(2);

d) a minimum of 5% to the specific objective referred to in point (c a) of Article 3(2)(c a).

Amendment 78

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

Text proposed by the Commission

Amendment

1 c. Member States wishing to derogate from paragraph 1b shall inform the Commission accordingly and shall assess, together with the Commission, whether those minimum percentages should be amended because of particular circumstances affecting internal security. Any such amendments shall be approved

by the Commission.

Amendment 79

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are *associated to the development of the programmes at an early stage*, as regards the areas of their competence. Specifically, Member States shall consult Europol on the design of their actions in particular when including EU policy cycle or EMPACT actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with CEPOL in order to avoid overlaps.

Amendment

2. The Commission shall ensure that the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL), *the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Public Prosecutor's Office (EPPO), the European Union Network and Information Security Agency (ENISA), the European Agency for the operational management of large-scale IT Systems (eu-LISA), the European Border and Coast Guard Agency (EBCGA), the European Union Agency for Fundamental Rights (FRA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are involved in the programme development from the outset*, as regards the areas of their competence. Specifically, Member States shall consult Europol on the design of their actions in particular when including EU policy cycle or EMPACT actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with CEPOL in order to avoid overlaps. *Members States shall also consult other relevant stakeholders, including civil society organisations, on the planning of their actions.*

Amendment 80

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. The Commission may associate the **Union Agency for Law Enforcement Cooperation (Europol)**, the European **Union Agency for Law Enforcement Training (CEPOL)** and the European **Monitoring Centre for Drugs and Drug Addiction (EMCDDA)** where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment

3. The Commission may associate the **Agencies referred to in paragraph 2**, the European **Data Protection Board** and the European **Data Protection Supervisor (EDPS)** where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund, **which fall within their mandate**, are compliant with the relevant Union acquis and agreed Union priorities.

Amendment 81

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. A maximum of 15 % of the allocation of a Member State programme may be used for the purchase of equipment, means of transport or the construction of security-relevant facilities. This ceiling may be exceeded **only** in duly justified cases.

Amendment

4. A maximum of 15 % of the allocation of a Member State programme may be used for the purchase of equipment, means of transport or the construction of security-relevant facilities. This ceiling may **only** be exceeded in duly justified cases **and following approval by the Commission**.

Amendment 82

Proposal for a regulation Article 12 – paragraph 5 – point a

Text proposed by the Commission

(a) Union priorities and acquis in the area of security in particular information **exchange** and interoperability of **IT** systems;

Amendment

(a) Union priorities and acquis in the area of security in particular **the coordination and cooperation between law enforcement authorities and the efficient exchange of relevant and accurate** information and **the implementation of the components of the framework for** interoperability of **EU information** systems;

Amendment 83

**Proposal for a regulation
Article 12 – paragraph 6**

Text proposed by the Commission

6. Where necessary, the programme shall be amended to take into account the recommendations referred to in paragraph 5. Depending on the impact of the adjustment, the revised programme **may** be approved by the Commission.

Amendment

6. Where necessary, the programme shall be amended to take into account the recommendations referred to in paragraph 5 **and the progress in achieving the milestones and targets as assessed in the annual performance reports as referred to in Article 26(2)(a)**. Depending on the impact of the adjustment, the revised programme **shall** be approved by the Commission **in line with the procedure set out in Article 19 of Regulation (EU) No X [CPR]**.

Amendment 84

**Proposal for a regulation
Article 12 – paragraph 8**

Text proposed by the Commission

8. Whenever a Member State decides to implement projects **with** or in a third

Amendment

8. Whenever a Member State decides to implement projects **in** or in **relation to** a

country, with the support of the Fund, the Member State concerned shall consult the Commission prior to the start of the project.

third country *as referred to in Article 5*, with the support of the Fund, the Member State concerned shall consult the Commission prior to the start of the project. ***The Commission shall assess the complementarity and coherence of the projects envisaged with the other actions of the Union and the Member States, in relation to the third country concerned. The Commission shall also check the conformity of the proposed projects with the fundamental rights requirements referred to in Article 3(4).***

Amendment 85

Proposal for a regulation Article 12 – paragraph 9

Text proposed by the Commission

9. ***Programming as referred to in Article 17(5) of Regulation (EU) No [CPR] shall be based on the types of intervention set out in Table 1 of Annex VI.***

Amendment

9. In ***accordance with Article 17*** of Regulation (EU) No ***X [CPR]***, ***each programme shall set out for each specific objective the types of intervention in accordance with Table 1 of Annex VI and an indicative breakdown of the programmed resources by type of intervention or area of support.***

Amendment 86

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. In 2024, the Commission shall allocate to the programmes of the Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 2 of Annex I. Funding shall be

Amendment

1. In 2024, ***after informing the European Parliament***, the Commission shall allocate to the programmes of the Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in

effective for the period as of the calendar year 2025.

paragraph 2 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

Amendment 87

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. If at least **10** % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No [CPR], the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.

Amendment

2. If at least **30** % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No **X** [CPR], the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.

Amendment 160

Proposal for a regulation Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Paragraph 2 shall apply only if the relevant regulatory framework and related acts are in force on 1 January 2022.

Amendment 88

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The allocation of the funds from the thematic facility as from 2025 shall, **where appropriate**, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No [CPR] and identified implementation shortcomings.

Amendment

3. The allocation of the funds from the thematic facility as from 2025 shall take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No **X** [CPR] and identified implementation shortcomings.

Amendment 89

**Proposal for a regulation
Article 15 – paragraph 1**

Text proposed by the Commission

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

Amendment

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union **insofar as they contribute to ensuring a high level of security in the Union as a whole.**

Amendment 90

**Proposal for a regulation
Article 15 – paragraph 2**

Text proposed by the Commission

2. A Member State may use up to **10 %** of the amount allocated under the Fund to its programme to finance operating support for the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

Amendment

2. A Member State may use up to **20%** of the amount allocated under the Fund to its programme to finance operating support for the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

Amendment 91

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall justify in the programme and in the annual performance reports, as referred to in Article 26, the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall assess the baseline situation in the Member States which have indicated their intention to request operating support, taking into account the information provided by those Member States as well as recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms.

Amendment

4. Member States shall justify in the programme and in the annual performance reports, as referred to in Article 26, the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall assess the baseline situation in the Member States which have indicated their intention to request operating support, taking into account the information provided by those Member States as well as recommendations from quality control and evaluation mechanisms such as: the Schengen evaluation mechanism, ***the vulnerability and risk assessment by the European Border and Cost Guard Agency (EBCGA)*** and other quality control and evaluation mechanisms, ***as applicable***.

Amendment 92

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

5. Operating support shall be concentrated on ***specific tasks and services*** as laid down in Annex VII.

Amendment

5. Operating support shall be concentrated on ***actions*** as laid down in Annex VII.

Amendment 93

Proposal for a regulation Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Visibility, transparency and communication

The recipients of Union financing shall comply fully with the visibility, transparency and communication requirements set out in Regulation (EU) No X [CPR].

Amendment 94

Proposal for a regulation Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Decentralised agencies may also be eligible for funding available within the framework of Union actions in order to support transnational actions with European added value.

Amendment 95

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Amendment

The Fund may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of 100%.

The Fund may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures, *namely preparatory, monitoring, control, audit, evaluation, communication, including corporate communication on the political priorities*

of the Union in the area of security, visibility and all administrative and technical assistance actions necessary for the implementation of this Regulation and, where appropriate, with third countries, may be financed at the rate of 100%.

Amendment 96

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. The recipient of Union funding shall ***acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting*** the actions and their results by providing coherent, effective and ***proportionate targeted*** information to multiple audiences, including media and the public.

Amendment

1. The recipient of Union funding shall ***promote*** the actions and their results by providing coherent, effective and ***meaningful*** information to multiple ***relevant*** audiences, including media and the public ***in the relevant language. To ensure the visibility of Union funding, recipients of Union funding shall make reference to its origin when communicating the action. To that end, recipients shall ensure that any communication to the media and the general public displays the Union's emblem and mentions explicitly the Union's financial support.***

Amendment 97

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

2. The Commission shall implement information and communication actions relating to the Fund and its actions and results. Financial resources allocated to the Fund shall also contribute to the corporate

Amendment

2. ***To reach the widest possible audience,*** the Commission shall implement information and communication actions relating to the Fund and its actions and results. ***In particular, the Commission***

communication of the political priorities of the Union, as far as they are related to the objectives of this Regulation.

shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list regularly. Financial resources allocated to the Fund shall also contribute to the ***communication, notably corporate communication***, of the political priorities of the Union, as far as they are related to the objectives of this Regulation.

Amendment 98

Proposal for a regulation Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats that allow data to be sorted, searched, extracted, compared and reused, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council^{1a}. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary and name of contractor.

^{1a} ***Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).***

Amendment 99

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. **The Fund shall** provide financial assistance to address urgent and specific needs in the event of **an** emergency situation **resulting** from a security-related incident **or** newly emerging threat within the scope of this Regulation which has or may have a significant adverse impact on the security of people in one or more Member States;

Amendment

1. **The Commission may decide to** provide financial assistance **from the Fund** to address urgent and specific needs in the event of **a duly justified** emergency situation. **Those situations can result** from a security-related incident, newly emerging threat **or newly detected vulnerability** within the scope of this Regulation which has or may have a significant adverse impact on the security of people, **public spaces or critical infrastructure** in one or more Member States. **In such cases, it shall inform the European Parliament and the Council in a timely manner.**

Amendment 100

Proposal for a regulation Article 22 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Where necessary for the implementation of the action, emergency assistance may cover expenditure that was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021.

Amendment 101

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. An **action** that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the **action** and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

Amendment

1. An **operation** that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the **operation** and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

Amendment 102

Proposal for a regulation

Article 23 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Actions awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions:

Amendment

Operations awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions:

Amendment 103

Proposal for a regulation

Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article [67] of Regulation

Amendment

may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article [67] of Regulation

(EU) X [CPR] and Article [8] or Regulation (EU) X [Financing, management and monitoring of the Common Agricultural Policy], provided that such **actions** are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.

(EU) X [CPR] and Article [8] or Regulation (EU) X [Financing, management and monitoring of the Common Agricultural Policy], provided that such **operations** are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.

Amendment 104

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. The indicators to report on progress of the Fund, towards the achievement of the specific objectives set out in Article 3, are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

Amendment

3. The indicators to report on progress of the Fund, towards the achievement of the specific objectives set out in Article 3, are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. ***Upon request, the Commission shall make the data on the output and result indicators it has received available to the European Parliament and to the Council.***

Amendment 105

Proposal for a regulation Article 24 – paragraph 5

Text proposed by the Commission

5. In order to ensure effective assessment of the progress of the Fund towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex VIII to review and complement the indicators where necessary and to supplement this

Amendment

5. In order to ensure effective assessment of the progress of the Fund towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex VIII to review and complement the indicators where necessary and to supplement this

Regulation with provisions on the establishment of a monitoring and evaluation framework, including for project information to be provided by the Member States.

Regulation with provisions on the establishment of a monitoring and evaluation framework, including for project information to be provided by the Member States. ***Qualitative indicators shall be included for the assessment.***

Amendment 106

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. The Commission shall ***carry out a mid-term and a retrospective*** evaluation of this Regulation, ***including the*** actions implemented under this Fund.

Amendment

1. ***By 31 December 2024***, the Commission shall ***present a mid-term*** evaluation of this Regulation. ***The mid-term evaluation shall examine the effectiveness, efficiency, relevance and coherence of the Fund. More specifically, it shall include an assessment of:***

(a) the progress made towards the achievement of the objectives of this Regulation, taking into account all relevant information already available, in particular the annual performance reports referred to in Article 26 and the output and result indicators set out in Annex VIII;

(b) the European added value of actions and operations implemented under this Fund;

(c) the appropriateness of the implementation measures set out in Article 3 a to address existing and emerging security challenges;

(d) the longer-term impacts and the sustainability effects of the Fund;

(e) the complementarity and coherence between the actions supported under this Fund and support provided by other Union funds.

That compulsory midterm evaluation shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for internal security for the period 2014-2020, the Internal Security Fund-Police. The evaluation shall, as appropriate, be accompanied by a legislative proposal for the revision of this Regulation.

Amendment 107

Proposal for a regulation Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. By 31 January 2030, the Commission shall carry out a retrospective evaluation of this Regulation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council, which includes the elements listed in paragraph 1. In that regard, the longer-term impacts of the instrument shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent fund.

Amendment 108

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. The mid-term and the retrospective evaluation shall be *carried out in a timely manner to feed into the decision-making process in accordance with the timeline set out Article 40 of Regulation (EU) No*

2. The mid-term and the retrospective evaluation shall be *made publicly available and submitted to the Parliament without delay to ensure full transparency. The Commission shall ensure that the*

[CPR].

evaluations do not include information the dissemination of which may create a risk for the safety or privacy of individuals or jeopardise security operations.

Amendment 109

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) No [CPR]. The report submitted in 2023 shall cover the implementation of the programme until 30 June 2022.

Amendment

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) No X [CPR]. The report submitted in 2023 shall cover the implementation of the programme until 30 June 2022. ***Member States shall publish those reports on a dedicated website and forward them to the European Parliament and the Council.***

Amendment 110

Proposal for a regulation Article 26 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred;

Amendment 111

Proposal for a regulation

Article 26 – paragraph 2 – point b

Text proposed by the Commission

(b) any issues affecting the performance of the programme and the actions taken to address them;

Amendment

(b) any issues affecting the performance of the programme and the actions taken to address them, ***including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258;***

Amendment 112

Proposal for a regulation

Article 26 – paragraph 2 – point c

Text proposed by the Commission

(c) the complementarity between the actions supported by the Fund and support provided by other Union funds, in particular those in or in relation to third countries;

Amendment

(c) the complementarity, ***coordination and coherence*** between the actions supported by the Fund and support provided by other Union funds, in particular those in or in relation to third countries.

Amendment 113

Proposal for a regulation

Article 26 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) compliance with fundamental rights requirements;

Amendment 114

Proposal for a regulation Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Once accepted, the Commission shall make summaries of the annual performance reports available to the European Parliament and the Council and shall publish them on a dedicated website. If not forwarded by the Member States in accordance with paragraph 1, the full text of the annual performance reports shall be made available to the European Parliament and to the Council upon request.

Amendment 115

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Articles 12, 15, 24 and 27 shall be conferred on the Commission until 31 December 2028.

2. The power to adopt delegated acts referred to in Articles **8**, 12, 15, 24 and 27 shall be conferred on the Commission until 31 December 2028.

Amendment 116

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

Amendment

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 12, 15, 24 and 27 at any time. A decision of

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles **8**, 12, 15, 24 and 27 at any time. A decision of

revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 117

Proposal for a regulation Article 28 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 12, 15, 24 and 27 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

6. A delegated act adopted pursuant to Articles **8**, 12, 15, 24 and 27 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment 119

Proposal for a regulation Annex II

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 120

Proposal for a regulation

Annex III – title

Text proposed by the Commission

Actions to be supported by the Fund in-line with Article 4

Amendment

Examples of eligible actions to be supported by the Fund in-line with Article 4.

Amendment 121

Proposal for a regulation
Annex III – introductory part (new)

Text proposed by the Commission

Amendment

Support from the Internal Security Fund may, inter alia, be targeted towards the following types of actions:

Amendment 122

Proposal for a regulation
Annex III – indent 1

Text proposed by the Commission

— IT systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving interoperability and data quality of such systems;

Amendment

— **setting up of** IT systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving **the** interoperability **components** and data quality of such systems;

Amendment 123

Proposal for a regulation
Annex III – indent 2

Text proposed by the Commission

— monitoring of the implementation of Union law and Union policy objectives in the Member States in the area of security information systems;

Amendment

— monitoring of the implementation of Union law and Union policy objectives in the Member States in the area of security information systems, ***in particular data protection, privacy and data security***;

Amendment 124

**Proposal for a regulation
Annex III – indent 3 a (new)**

Text proposed by the Commission

Amendment

— ***support of decentralised agencies with a view to facilitate the cooperation during cross-border operations***;

Amendment 125

**Proposal for a regulation
Annex III – indent 4**

Text proposed by the Commission

— actions supporting an effective and coordinated response to crisis linking up existing sector-specific capabilities, expertise centres and situation awareness centres, including those for health, civil protection ***and*** terrorism;

Amendment

— actions supporting an effective and coordinated response to crisis linking up existing sector-specific capabilities, expertise centres and situation awareness centres, including those for health, civil protection, terrorism ***and cybercrime***;

Amendment 126

**Proposal for a regulation
Annex III – indent 5 a (new)**

Text proposed by the Commission

Amendment

— ***actions that promote research and exchange of expertise improving resilience to emerging threats including trafficking via online channels, hybrid threats and chemical, biological, radiological and nuclear threats.***

Amendment 127

**Proposal for a regulation
Annex III – indent 5 b (new)**

Text proposed by the Commission

Amendment

— ***actions and networks of national contact points that facilitate the cross-border exchange of data acquired by surveillance systems, such as cameras and other sensors, combined with artificial intelligence algorithms, subject to robust safeguards, including data minimisation, prior validation by a judicial authority, and access to judicial redress;***

Amendment 128

**Proposal for a regulation
Annex III – indent 6 a (new)**

Text proposed by the Commission

Amendment

— ***support for initiatives to network the intelligence services of the Member States to foster a common intelligence culture, improve mutual trust, exchange and dissemination of know-how, information, experience and good practice;***

Amendment 129

Proposal for a regulation Annex III – indent 7 a (new)

Text proposed by the Commission

Amendment

— ***education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies in prevention policies with special emphasis on fundamental rights training, including measures to detect and avoid racism, and exchange of best practices;***

Amendment 130

Proposal for a regulation Annex III – indent 8

Text proposed by the Commission

Amendment

— cooperation with the private sector in order to build trust and improve coordination, contingency planning and the exchange and dissemination of information and best practices among public and private actors including ***in*** the protection of ***public spaces and*** critical infrastructure;

— cooperation with the private sector, ***in particular in the field of cybersecurity,*** in order to build trust and improve coordination, contingency planning and the exchange and dissemination of information and best practices among public and private actors including the protection of critical infrastructure;

Amendment 131

Proposal for a regulation Annex IV – title

Text proposed by the Commission

Amendment

Actions eligible for higher co-financing in-line with Articles ***11(2) and 12(6)***

Actions eligible for higher co-financing in-line with Articles ***11(3) and 12(7)***

Amendment 132

Proposal for a regulation Annex IV – indent 1

Text proposed by the Commission

— Projects which aim to prevent and counter radicalisation.

Amendment

— Projects which aim to prevent and counter ***violent extremism, including radicalisation, intolerance and discrimination, in particular measures to address their root causes and to prevent radicalisation in prisons, and projects providing specific training for law-enforcement authorities.***

Amendment 133

Proposal for a regulation Annex IV – indent 2

Text proposed by the Commission

— Projects which aim at improving the interoperability of IT systems and communication networks.⁴¹

Amendment

— Projects which aim at improving the interoperability of IT systems and communication networks, ***insofar as provided for by Union or Member State law.***

⁴¹ In line with the Commission Communication on stronger and smarter information systems for borders and security COM(2016)0205.

⁴¹ In line with the Commission Communication on stronger and smarter information systems for borders and security COM(2016)0205.

Amendment 134

Proposal for a regulation Annex IV – indent 2 a (new)

Text proposed by the Commission

Amendment

— ***Projects which aim to fight organised crime structures that are particularly dangerous according to EMPACT.***

Amendment 135

**Proposal for a regulation
Annex IV – indent 2 b (new)**

Text proposed by the Commission

Amendment

— ***Projects which aim to prevent and fight cybercrime, in particular child sexual exploitation online, including measures to prevent attacks against information systems and critical infrastructure by detecting and closing vulnerabilities.***

Amendment 136

**Proposal for a regulation
Annex IV – indent 2 c (new)**

Text proposed by the Commission

Amendment

— ***Projects which aim to fight against trafficking via online channels.***

Amendment 137

**Proposal for a regulation
Annex V – part 2 – point 3 – paragraph 1**

Text proposed by the Commission

Value of illicit **drug seizures** achieved with involvement of cross-border cooperation between law enforcement agencies.

Amendment

Value **of seizures** of illicit **drugs, weapons, wildlife products and trafficking of cultural goods** achieved with involvement of cross-border cooperation between law enforcement agencies **implemented with the support of the Fund**.

Amendment 138

Proposal for a regulation Annex V – part 3 – point 2 – paragraph 1

Text proposed by the Commission

Number of critical infrastructures **and public spaces** of which the protection against security-related incidents has been improved with the help of the Fund.

Amendment

Number **of public spaces and scale** of critical infrastructures of which the protection against security-related incidents has been improved with the help of the Fund.

Amendment 139

Proposal for a regulation Annex VI – table 1 – Codes for the Intervention Field Dimension – row 10 a (new)

Text proposed by the Commission

Amendment

10a **OC - Laundering of the proceeds of crime**

Amendment 140

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – row 12 a (new)

Text proposed by the Commission

Amendment

12a ***Trafficking of cultural objects***

Amendment 141

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – row 12 b (new)

Text proposed by the Commission

Amendment

12b ***Trafficking of endangered species***

Amendment 142

Proposal for a regulation

Annex VI – table 1 – Codes for the Intervention Field Dimension – row 24 a (new)

Text proposed by the Commission

Amendment

24a ***CC - Distribution of child abuse images and child pornography***

Amendment 143

Proposal for a regulation

Annex VIII – part 1 – point 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) number of searches performed in the Schengen Information System (SIS);

(a) number of ***alerts introduced and*** searches performed in the Schengen Information System (SIS);

Amendment 144

Proposal for a regulation

Annex VIII – part 1 – point 1 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) number of searches performed in the European Criminal Record Information system for third Country nationals (ECRIS-TCN).

Amendment 145

Proposal for a regulation

Annex VIII – part 1 – point 2 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Number of new connections ***between*** security-relevant databases made with support of the Fund:

Number of new connections ***of competent authorities to*** security-relevant databases made with support of the Fund:

Amendment 146

Proposal for a regulation

Annex VIII – part 2 – point 7 – paragraph 1

Text proposed by the Commission

Amendment

Value of illicit ***drug seizures*** achieved with

Value ***of seizures*** of illicit ***drugs, weapons,***

involvement of cross-border cooperation between law enforcement agencies.

wildlife products and trafficking of cultural goods achieved with involvement of cross-border cooperation between law enforcement agencies.

Amendment 147

Proposal for a regulation Annex VIII – part 2 – point 7 – paragraph 2

Text proposed by the Commission

data source: Member States, Union action grant beneficiaries

Amendment

data source: ***Europol***, Member States, Union action grant beneficiaries

Amendment 148

Proposal for a regulation Annex VIII – part 3 – point 10 – paragraph 2

Text proposed by the Commission

data source: Member States

Amendment

data source: Member States, ***Europol***, ***ENISA***

Amendment 149

Proposal for a regulation Annex VIII – part 3 – point 12 – paragraph 1

Text proposed by the Commission

Number of victims of crime assisted with the support of the Fund, broken down by type of crime (trafficking in human beings, migrant smuggling, terrorism, serious and organised crime, cybercrime, child sexual exploitation).

Amendment

Number of victims of crime assisted with the support of the Fund, broken down by type of crime (trafficking in human beings ***and organs***, migrant smuggling, terrorism, serious and organised crime, cybercrime, ***sexual exploitation and*** child sexual exploitation, ***torture or inhuman or***

degrading treatment)

Amendment 150

Proposal for a regulation

Annex VIII – part 3 – point 13 – paragraph 1

Text proposed by the Commission

Number of critical infrastructures **and public spaces** of which the protection against security-related incidents has been improved with the help of the Fund.

Amendment

Number **of public spaces and scale** of critical infrastructures of which the protection against security-related incidents has been improved with the help of the Fund;

Amendment 151

Proposal for a regulation

Annex VIII – part 3 – point 14 – paragraph 1 – point a

Text proposed by the Commission

(a) number of hits on the website of the Radicalisation Awareness Network (RAN);

Amendment

deleted

Amendment 152

Proposal for a regulation

Annex VIII – part 3 – point 14 – paragraph 1 – point c

Text proposed by the Commission

(c) number of study visits, trainings, workshops and counselling completed in Member States in close coordination with national Authorities broken down by beneficiaries (law enforcement authorities, other).

Amendment

(c) number of study visits, trainings, workshops and counselling completed in Member States in close coordination with national Authorities broken down by beneficiaries (law enforcement authorities, other) and feedback of participants.

Amendment 153

Proposal for a regulation Annex VIII – part 3 – point 14 – paragraph 2

Text proposed by the Commission

data source: RAN

Amendment

data source: RAN, **Member States**

Amendment 154

Proposal for a regulation Annex VIII – part 3 a (new)

Text proposed by the Commission

Amendment

Specific objective 3 a: Development of a common intelligence culture:

(15a) Number of exchanges between Member States in the field of intelligence.

(15b) Number of law enforcement and intelligence officers involved in training, exercises, mutual learning programs or specialised exchange programs on cross-border issues organised with support from the Fund.

data source: Member States