|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Title | Original Proposal | Majority | Amended by | Amendments | Categories/ Frames |
| Listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Kosovo) | The proposed Regulation aims to transfer the reference to ‘Kosovo’ from Annex I (list of countries subject to the visa requirement) to Annex II (list of countries exempt from the visa requirement) of Regulation (EU) 2018/1806. As a result, holders of Kosovo biometric passports will benefit from visa-free travel for short stays (i.e. up to 90 days within a period of 180 days) in the EU.  Visa liberalisation will take effect on 1 January 2024, in parallel with the launch of the European Travel Information and Authorisation System (ETIAS), which allows the digital processing of information on travellers entering the EU. | General | Right (ENF) | Proposal for rejection |  |
| Visa Information System | ***Extended scope of the Visa Information System (VIS)***  The Visa Information System (VIS) is a European database used by authorities to monitor third-country nationals requiring a visa to travel to the Schengen area.  The reform of the VIS should enable the system to better respond to security developments and migration challenges, and to optimise the management of the EU's external borders by extending its scope to **long-stay visas and residence permits** in order to address gaps in security information.  ***Purpose of the VIS***  As regards short-stay visas, the VIS shall facilitate the exchange of data between Member States on visa applications and decisions, with a view to facilitating and accelerating the visa application procedure.  With regard to long-stay visas and residence permits, the VIS shall: (i) support a high level of security in all Member States by contributing to the assessment of whether the applicant or holder of a document is considered to pose a threat to public policy, internal security; (ii) facilitate checks at external border crossing points and enhance the effectiveness of checks within the territory of the Member States.  For all visas, the VIS shall assist in the identification of missing persons, in particular children, and contribute the prevention of threats to the internal security of any of the Member States, namely through the prevention, detection and investigation of terrorist offences or of other serious criminal offences in appropriate and strictly defined circumstances.  ***System architecture***  Members proposed that Council Decision 2004/512/EC establishing the Visa Information System (VIS) be repealed and fully integrated into the VIS Regulation. They also recommend that certain elements of the Commission's implementing decisions be included in this Regulation.  The VIS would be based on a centralised architecture. The centralised services shall be duplicated to two different locations namely Strasbourg, France, hosting the principal VIS Central System, central unit (CU) and St Johann im Pongau, Austria, hosting the backup VIS Central System, backup central unit (BCU).  The central VIS system, the uniform national interfaces, the web service, the carrier gateway and the VIS communication infrastructure shall share and re-use as much as technically possible the hardware and software components of respectively the entry/exist central ([EES](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0106(COD)&l=en) Central System), the EES national uniform interfaces, the [ETIAS](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0357A(COD)&l=en) carrier gateway, the EES web service and the EES communication infrastructure.  ***Data processing***  Processing of personal data within the VIS by each competent authority shall not result in discrimination against applicants, visa holders or applicants and holders of long-stay visas, and residence permits.  It shall fully respect human dignity and integrity and fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for one’s private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability and persons in need of international protection.  ***Fingerprint data of children***  No fingerprints of children under the age of 6 shall be entered into VIS.  Parliament proposed that the collection of fingerprints from children should be subject to stricter safeguards and a limitation on the purposes for which such data may be used to situations where it is in the best interests of the child, in particular by limiting the storage period of stored data.  The biometric data of minors from the age of six shall be taken by officials trained specifically to take a minor's biometric data in a child-friendly and child-sensitive manner and in full respect of the best interests of the child.  ***Access to the system by centralised European agencies***  The proposed reform shall ensure better access for Europol and law enforcement authorities to VIS data in order to identify crime victims and advance their investigations into serious crime or terrorism.  In the case of the European Border and Coast Guard Agency, Members believe it is essential that this agency has access to the system. However, they proposed restricting access for return teams while reinforcing access to statistics for the purpose of risk analysis.  ***Links with other systems and interoperability***  Parliament intends to ensure the utmost coherence with other systems, in particular ETIAS, including its safeguards. Checks against other databases should also be carried out for holders of long-stay visas and residence permits.  However, in order to provide appropriate guarantees, Members specified which controls should be carried out. They also specified the specific measures following each hit, both to protect third-country nationals and to ensure the confidentiality of information.  Any hit resulting from the queries which cannot automatically be confirmed by VIS shall be manually verified by the national single point of contact. Depending on the type of data triggering the hit, the hit should be assessed either by consulates or by a national single point of contact, with the latter being responsible for hits generated in particular bylaw enforcement databases or systems.  Each Member State shall designate a national authority, operational 24 hours a day, 7 days a week, which shall ensure the relevant manual verifications and assessment of hits for the purposes of this Regulation.  ***Data transfer***  Personal data obtained by a Member State pursuant to this Regulation shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. As an exception to that rule, however, it shall be possible to transfer such personal data to a third country or to an international organisation where such a transfer is subject to strict conditions and necessary in individual cases in order to assist with the identification of a third-country national in relation to his or her return.  ***Entry into force***  Parliament proposed enhancing reporting mechanisms and setting a deadline of a maximum of two years to have this reformed VIS up and running. | None, Rejected | Left (The Left) | Change:  “children under the age of 6”  to  “children under the age of 12 and  persons over the age of 70”  Delete: This Regulation also lays down procedures for the exchange of information between Member States on long-stay visas and residence permits,  including on certain decisions on long- stay visas and residence permits. (This amendment applies throughout the text. Adopting it will necessitate  corresponding changes throughout.) |  |
| Visa Code | ***Updating the rules on short-stay visas***  The Regulation establishes the procedures and conditions for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-day period. When applying the Regulation, Member States shall act in full compliance with Union law, including the Charter of Fundamental Rights of the European Union. Decisions on applications under the Regulation shall be taken on an individual basis.  ***Visa applications***  Visa applications should be examined and decided on by consulates or, by way of derogation, central authorities. Member States should ensure that central authorities have sufficient knowledge of local circumstances of the country where the application is lodged in order to assess the migratory and security risk, as well as sufficient knowledge of the language to analyse documents, and that consulates are involved, where necessary, to conduct additional examination and interviews.  A Member State may agree to represent another Member State that is competent for the purpose of examining and deciding on applications on behalf of that Member State. A Member State may also represent another Member State in a limited manner solely for the collection of applications and the enrolment of biometric identifiers.  If a Member State is neither present nor represented in the third country where the applicant is to lodge the application, that Member State shall endeavour to cooperate with an external service provider.  ***Rules for making an application***  Applications shall be lodged no more than six months, and for seafarers in the performance of their duties no more than nine months, before the start of the intended visit, and, as a rule, no later than 15 calendar days before the start of the intended visit. In justified individual cases of urgency, the consulate or the central authorities may allow the lodging of applications later than 15 calendar days before the start of the intended visit. Applicants may lodge their applications electronically, where available. The application form shall be signed. It may be signed manually or, where electronic signature is recognised by the Member State competent for examining and deciding on an application, electronically.  Member States may require applicants to present proof of sponsorship or of private accommodation, or of both, by completing a form drawn up by each Member State, which shall indicate required information regarding the identity (surname, name, date of birth, place of birth and nationality) of the applicant. These requirements may be waived in the case of an applicant known to the consulate or the central authorities for his integrity and reliability.  In justified individual cases of urgency, the decision regarding an application shall be made without delay.  ***Visa fees***  Applicants shall pay a visa fee of EUR 80. The visa fee may be waived for: (i) children from the age of six years and below the age of 18 years;  (ii) holders of diplomatic and service passports;  (iii) participants in seminars, conferences, sports, cultural or educational events organised by non-profit organisations, aged 25 years or less.  In individual cases, the amount of the visa fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests, interests in the field of foreign policy, development policy and other areas of vital public interest, or for humanitarian reasons or because of international obligations.  The amount of the visa fee should be revised every three years on the basis of objective assessment criteria.  ***Multiple-entry visas***  A harmonised approach to the issuance of multiple-entry visas has been introduced. Such visas would be issued to regular travellers for a period of validity, progressively extending from one year to five years provided that the applicant has obtained, over the previous three years, a multiple-entry visa valid for two years and made use of it legally.  ***Cooperation with regard to irregular migrants***  The amended Regulation provides for the application of restrictive measures where there is a lack of cooperation by certain third countries to readmit those of their nationals who have been apprehended in an irregular situation, and failure by those third countries to cooperate effectively in the return process.  The Commission should assess regularly, at least once a year, third countries' cooperation with regard to readmission. The assessment should take into account the overall cooperation of that third country in the field of migration, in particular in the areas of border management, of prevention of and the fight against migrant smuggling and of prevention of transit of irregular migrants through its territory. Where the Commission considers that the third country is not cooperating, it should submit a proposal to the Council to adopt an implementing decision on specific restrictive provisions on processing of visas and visa fees. Where, however, the Commission considers that a third country is cooperating sufficiently, it should be possible for the Commission to submit a proposal to the Council to adopt an implementing decision, providing for reduction of the visa fee, reduction of the time within which decisions on an are to be made, or increase in the period of validity of multiple-entry visas.  ***Refusal of a visa***  Applicants who have been refused a visa have the right to appeal. During the appeal procedure, the applicants should be given access to all relevant information for their case, in accordance with national law. Member States shall ensure that a procedure is in place that allows applicants to submit complaints regarding the conduct of staff at consulates and the application process.  Consulates or central authorities shall keep a record of complaints and the follow-up given. | Rejected | Left (The Left) | Add: In  particular, it must ensure compliance with international law obligations, especially the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenants on Civil and Political Rights and on Economic, Social  and Cultural Rights, the 1951 Geneva Convention on Refugees and the 1967 New York Protocol, the UN Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on  the Elimination of All Forms of  Discrimination against Women.  Change:  The Union should use its visa  policy in its cooperation with third  countries, and to ensure a better balance between migration and security concerns, economic considerations and general  external relations. To:  The Union should use its visa  policy in its cooperation with third  countries in order to ensure a correct balance between security concerns, humanitarian economic considerations and general external relations.  Change: “children under the age of 12”  to  “minors under the age of 18” - To reflect that biometric data of minors below 18 years old shall not be collected.  Change: Member States' consulates shall within local Schengen cooperation, as referred to in Article 48, assess the implementation of the conditions laid down in paragraph 1, to take account of local  circumstances, and of migratory and security risks.” To:  “Member States' consulates shall within local Schengen cooperation, as referred to in Article 48, assess the implementation of the conditions laid down in paragraph 1, to take account of local circumstances;  Delete: In case of lack of cooperation of certain third countries to readmit their nationals apprehended in an irregular situation and failure of those third  countries to cooperate effectively in the return process, a restrictive and temporary application of certain  provisions of Regulation (EC) No 810/2009 should on the basis of a transparent mechanism based on  objective criteria, be applied to enhance a given third country's cooperation on readmission of irregular migrants.  Delete: The Commission shall assess the need to revise the amount of the visa fees set out in Article 16(1), (2) and (2a) every  two years, taking into account objective criteria, such as the general EU-wide inflation rate as published by Eurostat, and the weighted average of the salaries  of Member States' civil servants and, where appropriate, amend the amount of the visa fees by means of delegated acts |  |
| Third countries whose nationals are subject to or exempt from a visa requirement: Ukraine | This proposal seeks to amend [Regulation (EC) No 539/2001](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02001R0539-20170328&qid=1491664955382&from=EN) in order to allow **Ukrainian nationals to be exempt from the requirement to hold a visa** when travelling in EU Member States.  A recital stated that Ukraine has met all the benchmarks set out in the Visa Liberalisation Action Plan presented to the Ukrainian Government in November 2010, and therefore fulfils the relevant criteria for its citizens to be exempted from the visa requirement when travelling to the territory of Member States.  It is also stated that the continuous fulfilment by Ukraine of such criteria, especially on the fight against organised crime and corruption, will be duly **monitored by the Commission.** |  |  | Proposal for rejection | Rejecting visa exemption for Ukrainians |
| Asylum and Migration Fund | PURPOSE: to establish the asylum and migration fund for the period 2021-2027.  PROPOSED ACT: Regulation of the European Parliament and of the Council.  ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.  BACKGROUND: during the refugee crisis of 2015 and 2016, the EU budget has played a decisive role in managing flows of asylum seekers and migrants. The **European migration agenda** adopted in May 2015 stressed the need for a consistent common policy to restore confidence in the Union’s ability to combine European and national efforts to address migration issues.  In October 2017, the European Council reaffirmed the need for a **comprehensive approach to managing migration flows**, aimed at restoring control of external borders and reducing irregular arrivals and deaths at sea.  Drawing on the lessons from the past, the Commission, in its [proposal](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2018/0166(APP)&l=en) for the multiannual financial framework for the period 2021-2027, proposed to significantly increase the share of the overall EU budget devoted to migration and external border management by **more than 2.6 times**, including an increase in the funding allocated to decentralised bodies in this policy area.  The renewed Asylum and Migration Fund (AMF) shall build on the results and investments made with the support of previous funds: the European Refugee Fund, the European Fund for the Integration of Third Country Nationals, the European Return Fund, and the [Asylum, Migration and Integration Fund](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2011/0366(COD)&l=en) (AMIF) for the period 2014-2020.  CONTENT: the proposal for a Regulation - presented for a Union of 27 Member States - seeks to establish the **asylum and migration fund for the period 2021-2027**. Its scope is largely inspired by the current AMIF Regulation, while taking into account new strategic developments and the mandates of the European Border and Coast Guard Agency and the future European Union Agency for Asylum.  The Fund shall continue to support the EU's overall policies in the field of migration, integration and return, such as support to:   * strengthen and develop the **Common European Asylum System** (including its external dimension); * promote solidarity and shared responsibility between Member States, in particular towards those States most affected by flows of migrants and asylum seekers; * support **legal migration** to Member States and encourage the development of immigration strategies that respect the integration process of third-country nationals; * support capacity building in Member States and promote fair and **effective return strategies** as well as the development of partnerships and cooperation with third countries.   **Support to Member States**: in addition to a basic amount of **EUR 5 million** allocated to Member States at the beginning of the programming period, the financial envelope foreseen for the programmes of Member States shall be allocated based on a distribution key reflecting the needs and pressures experienced by Member States in the area of integration.  It is proposed to give **30%** weighting to the area of asylum, **30**% to the area of legal migration and integration and **40**% to the area of countering irregular migration including returns. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the fund. A mid-term review shall take into account new or additional pressures.  The remaining 40 % should be managed through a **thematic facility**, which shall periodically provide funding for the support for specific actions, providing additional funding for dedicated actions of high EU added value. Specific attention shall be put on promoting effective returns; support for resettlement and the solidarity and responsibility efforts between the Member States.  **Proposed budget**: the financial envelope for the implementation of the fund for the period 2021-2027 shall be **EUR 10.41 billion** in current prices. The financial resources shall be used as follows:   * **EUR 6.24 billion** for actions in support of Member States in migration management programmes implemented under shared management; * **EUR 4.16 billion** for the thematic mechanism for specific actions to Member States, projects with a European dimension, and to address urgent needs.   It should be noted that the Commission proposal concerning the multiannual financial framework provides for **EUR 865 million** (in current prices) to the relevant decentralised agencies for the period 2021-2027 | General | right | Add:  to ensure support to the Member States, in particular those most affected by immigration challenges, including through practical cooperation;  Change: to support legal migration to the Member States including to contribute to the integration of third-country nationals;  To:  to support legal immigration policies on the national level in accordance with Member States’ economic needs  Change:  to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries.  To: to contribute to countering illegal immigration and ensuring effectiveness of return operations in third countries carried out by Member States.  Change:  actions aimed at enhancing awareness of asylum, integration, legal migration and return policies among stakeholders and the general public  To:  actions aimed at enhancing awareness of return policies among  stakeholders and the general public,  especially third-country nationals;  Change:  removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;  To:  removal operations, including related measures, in accordance with the standards laid down in Union law;  Change:  Integration measures implemented by local and regional authorities and civil- society organisations  To:  Integration measures implemented by local and regional authorities;  Delete:  introduction, development and improvement of effective alternative  measures to detention, in particular in relation to unaccompanied minors and families;  Delete: 'humanitarian admission' within the meaning of Article [2] of Regulation (EU) ../.. [Union Resettlement [and Humanitarian Admission] Framework] (All references to 'humanitarian admission' are deleted accordingly throughout the text)  Delete: Emergency assistance may take the form of grants awarded directly to the decentralised agencies.  Delete: establishing, developing and  improving effective alternatives to  detention, in particular in relation to  unaccompanied minors and families  Delete: development of mobility schemes to the Union, such as circular or temporary migration schemes, (delete) including training to enhance employability;  Delete:  assistance in the context of applications for family reunification  within the meaning of Council Directive 2003/86/EC51 ;  Delete: 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. | Legal immigration instead of legal migration  Illegal immigration instead of irregular immigration  Not mentioning asylum seekers or legal migration but only referring to “stakeholders and the general public”  Third-country nationals |
| European Border Surveillance System (EUROSUR) | PURPOSE: to establish a European Border Surveillance System (EUROSUR) with the aim of increasing coordination within and between Member States to prevent and tackle serious crime.  PROPOSED ACT: Regulation of the European Parliament and of the Council.  BACKGROUND: this proposal shall provide for the necessary legal framework to respond to the request of the European Council of 23-24 June 2011 to further develop the European Border Surveillance System (EUROSUR) as a matter of priority in order to become operational by 2013, allowing Member States' authorities carrying out border surveillance activities and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), to share operational information and improve cooperation.  **The aim of EUROSUR is to reinforce the control of the Schengen external borders**. EUROSUR will establish a mechanism for Member States' authorities carrying out border surveillance activities to share operational information and to cooperate with each other and with the Agency in order to reduce the loss of lives at sea and the number of irregular immigrants entering the EU undetected, and to increase internal security by preventing cross-border crimes, such as trafficking in human beings and the smuggling of drugs.  The works currently carried out for the testing and the gradual establishment of EUROSUR are based on a roadmap presented in a [Commission Communication](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0068:FIN:EN:PDF) in 2008.  IMPACT ASSESSMENT: the Commission has identified four policy options comprising of sub-options:   * ***Option 1***: fully decentralised - with the support of the National Coordination Centres (NCC) ; * ***Option 2***: partly centralised – for the EUROSUR network ; * ***Option 3***: fully centralised approach and including a sub-option ‘Cooperation with third countries”; * ***Option 4***: common applications of surveillance tools at EU level.   In line with the impact assessment, the following options would be the preferred ones:   * with regard to the establishment of NCCs, Option 1.1 is the preferred option, because it does not require Member States to restructure their national administrations and thus could be easily implemented; * following the decentralised approach for setting up EUROSUR, the preferred policy option for the EUROSUR network is Option 2.2; * taking into account the urgent need for enhancing border control in the Mediterranean region, Option 3.2 provides the best answer on how to promote the cooperation with neighbouring third countries. However, the willingness of northern African countries to cooperate is a precondition for the implementation of Option 3.2. * for the common application of surveillance tools, Option 4.2 is the option providing most added value.   LEGAL BASIS: Article 77(2)(d) of the Treaty on the Functioning of the European Union (TFEU) according to which the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning any measure necessary for the gradual establishment of an integrated management system for external borders.  CONTENT: this proposal establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and reaction capability at the external borders of the Member States and of the European Union, the European Border Surveillance System (EUROSUR).  The purpose of the legislative proposal is to improve the situational awareness and reaction capability of Member States and the Agency when preventing **irregular migration and cross-border crime at the external land and maritime borders**.  **Common framework**: a common framework shall be established with clear responsibilities and competencies for the national coordination centres (NCC) for border surveillance in the Member States and the Agency, which form the backbone of EUROSUR. These centres, which shall ensure an effective and efficient management of resources and personnel at national level, and the Agency shall communicate with each other via the communication network, which would allow to exchange both non-classified sensitive as well as classified information.  For the exchange of information and cooperation in the field of border surveillance, Member States and the Agency shall use the framework of EUROSUR, consisting of the following components: (i) national coordination centres for border surveillance; (ii) national situational pictures; (iii) communication network; (iv) European situational picture; (v) common pre-frontier intelligence picture; (vi) common application of surveillance tools.  The proposal also outlines the objectives of:  **Situational pictures**: the cooperation and information exchange between the national coordination centres and the Agency is done via 'situational pictures', which shall be established at national and European level as well as for the pre-frontier area. These three pictures, of which the two latter shall be managed by the Agency, are structured in a similar way to facilitate the flow of information among them.  The situational pictures will as a general rule not involve personal data but rather the exchange of information on incidents and depersonalised objects, such as the detection and tracking of vessels. In exceptional cases personal data may form part of the data shared by Member States with the Agency provided that the conditions of Frontex Regulation are met. To the extent personal data forms part of the national situational picture of neighbouring external border sections, it may be exchanged between neighbouring Member States only, under the conditions set by the horizontal EU legal framework on data protection;  **Surveillance tools**: the Agency shall provide a service for the common application of surveillance tools, taking into account that such a service can be provided more cost-efficiently at European level. Such a service could be implemented with the support of relevant European space programmes, including the operational Global Monitoring for Environment and Security (GMES). The approach chosen in EUROSUR is to make best use of existing information, capabilities and systems available in other EU agencies to the extent possible. For this reason, the Agency would closely cooperate with the **EU Satellite Centre**, the European Fisheries Control Agency and the European Maritime Safety Agency in providing the service for the common application of surveillance tools as well as with EUROPOL in order to exchange information on cross-border crime. With regard to maritime traffic data to be provided by the **SafeSeaNet** system under [Directive 2002/59/EC](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2000/0325(COD)), the Commission intends to make an appropriate proposal modifying the Directive in 2013. It is envisaged that the relevant information in SafeSeaNet will also be made available for purposes other than those related to maritime safety, maritime security and marine environment protection and thereby be part of the surveillance tools used in the EUROSUR framework.  **Reaction capacity**: better awareness of what is going on at the external borders is only of limited value if it is not complemented by an improved capability of EU Member States to react to challenges faced at their external borders. For this reason, Member States shall divide their external borders into borders sections, to which – based on risk analysis and the number of incidents occuring – impact levels shall be attributed. Depending on which impact levels have been attributed, the national coordination centres and the Agency shall take counter-measures in order to lower the impact on the border section in question.  **Cooperation with third countries**: exisiting and planned regional networks set up between Member States and neighbouring third countries shall be linked to EUROSUR via the national coordination centres.  **Implementation**: taking into account that Member States and the Agency are already in the process of setting up the different components of EUROSUR at national and European level, EUROSUR should become operational in the **second half of 2013**. The Joint Research Centre of the European Commission should provide the Agency with technical support on the further technical development of EUROSUR.  **Monitoring and evaluation**: the Agency shall submit a report on the functioning of EUROSUR on 1 October 2015 and every two years thereafter. The Commission shall provide an overall evaluation of EUROSUR to the European Parliament and the Council on 1 October 2016 and every four years thereafter.  **Fundamental rights and data protection requirements**: this proposal was subjected to scrutiny to ensure that its provisions are fully compatible with fundamental rights and notably human dignity, prohibition of torture and inhuman or degrading treatment or punishment, right to liberty and security, right to the protection of personal data, non-refoulement, non-discrimination and rights of the child. Particular attention was paid to Articles 4 and 19(2) of the EU Charter of Fundamental Rights, which **prohibit removal of persons to a State where there is a serious risk of death penalty, torture or other inhuman or degrading treatment or punishment**.  The draft Regulation explicitly prohibits any exchange of information with a third country that could use this information to identify persons or groups of persons who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights. It explicitly provides that Member States and the Agency shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation. The protection of personal data is also of particular importance as data sharing may include personal data, in which situation the data protection rules apply and must be fully respected.  **Territorial provisions**: this Regulation constitutes a development of provisions of the Schengen *acquis*, in which the United Kingdom and Ireland are not participating but which applies to 4 associated countries (Norway, Iceland, Switzerland and Liechtenstein).  BUDGETARY IMPLICATION: the different components of EUROSUR will be mainly implemented by the Agency and by Member States (shared management) on the basis of the 2008 EUROSUR roadmap:   * with regard to setting up the national coordination centres, Member States will be supported by the External Borders Fund in 2012-2013 and the instrument for financial support for external borders and visa as part of the planned Internal Security Fund in 2014-2020; * the Agency will use its own budget to set up the communication network and other horizontal components of EUROSUR, such as the European situational picture and the common pre-frontier intelligence picture, and when necessary this is completed by support under the Internal Security Fund (direct or indirect centralised financial management); * funding provided under the 7th Framework Programme for Research and Development will support the setting up of the envisaged service for the common application of surveillance tools in 2012-2013; * measures in neighbouring third countries will be supported in 2012-2013 by the Thematic Programme for Asylum and Migration, as part of the [Development Cooperation Instrument](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2004/0220(COD)).   The impact assessment provides a financial envelope of **EUR 338.7 million** from 2011 to 2020. | Rejected  ?? | right | Add:  The Union support given to the  Mediterranean and South-Eastern  countries, especially in cases of high migratory pressure, has been irrelevant and has only produced calls for solidarity which have been in vain.  Add:  The Commission should present  legislative proposals to ensure an equal  distribution among the 28 Member States  of immigrants arriving at the coasts of  southern Europe and across the Union  border with Turkey, in accordance with  the principle of solidarity and  burden sharing. |  |
| Freedom of movement for workers | PURPOSE: to ensure the better application of EU legislation on people’s right to work in another Member State than their own and thus to make it easier for people to exercise their rights in practice.  PROPOSED ACT: Directive of the European Parliament and of the Council.  ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.  BACKGROUND: freedom of movement for workers is **one of the four fundamental freedoms** on which the Single Market is based. It is one of the core values of the European Union and a fundamental element of EU citizenship. Article 45 of the Treaty on the Functioning of the European Union (TFEU) enshrines the right of EU citizens to move to another Member State for work purposes. It specifically includes the **right not to be discriminated against on the grounds of nationality** as regards access to employment, remuneration and other conditions of work. It also includes the removal of unjustified obstacles to the freedom of movement of workers within the European Union.  [Regulation (EU) No 492/2011](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2010/0110(COD)&l=en) details the rights derived from the freedom of movement of workers, and defines the specific areas where **discrimination on the grounds of nationality is** **prohibited**, in particular as regards: (i) access to employment; (ii) working conditions; (iii) social and tax advantages; (iv) access to training; (v) membership of trade unions; (vi) housing; and (vii) access to education for children. Article 45 TFEU and Regulation (EU) No 492/2011 are directly applicable in all Member States.  Nevertheless, EU citizens who want to move or who actually move from one Member State to another for work purposes continue to face problems in exercising their rights. The difficulties they face go some way to explaining why geographical mobility between EU Member States has remained at a relatively low level: according to the EU-Labour Force Survey, in 2011, only 3.1% of the working-age European citizens (15-64) lived in an EU Member State other than their own.  In April 2009, Parliament adopted a [resolution](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2008/2234(INI)&l=en) detailing persisting obstacles to the cross-border enjoyment of rights. It called on the Commission to produce a list of obstacles to the exercise of EU citizens' rights, based on the results of a public consultation, and to make specific proposals to address those obstacles. More recently, in another [resolution](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2010/2273(INI)&l=en) on promoting workers' mobility within the Union, Parliament called on the Commission and Member States to take measures in order to "to guarantee…the correct implementation of the existing legislation on non-discrimination, to take practical measures to enforce the principle of equal treatment of mobile workers…" and also highlighted the gap between the rights that EU citizens have in theory and what happens in practice.  There are diverse examples of **obstacles and problems** faced by citizens, such as:   * public authorities not complying with EU law (non-conforming legislation or incorrect application) and the effect on EU migrant workers; * employers and legal advisors not complying with EU law; * EU migrant workers not having access to information or the means to ensure their rights.   IMPACT ASSESSMENT: in line with its policy on better regulation, the Commission conducted an impact assessment of policy alternatives, based on an external study, which concluded in April 2012. The different policy alternatives contain a range of options representing different degrees of EU intervention:   * ***Option 1:*** maintaining the *status quo*; * ***Option 2:*** effecting change without regulation, or * ***Option 3:*** regulating.   The Impact Assessment demonstrated that a binding legislative initiative would impact tangibly on the exercise of free movement rights.  The preferred option is a Directive combined with other initiatives, such as common guidelines on specific subjects to be adopted by the Technical Committee on free movement of workers (already set up under Regulation (EU) No 492/2011. A Common Guidance document would address the specific issue of the application of EU law in the field of the free movement of workers.  LEGAL BASIS: Article 46 of the Treaty on the Functioning of the European Union (TFEU).  CONTENT: this proposal for a Directive aims to improve and reinforce the way in which Article 45 TFEU and Regulation (EU) No 492/2011 are applied in practice across the European Union by establishing a general common framework of appropriate provisions and measures for facilitating a better and more uniform application of rights conferred by EU law on workers and members of their families exercising their right to free movement.  **Scope:** the proposal covers the following matters: (i) access to employment; (ii) conditions of employment and work in particular as regards remuneration and dismissal; (iii) access to social and tax advantages; (iv) membership of trade unions; (v) access to training; (vi) access to housing; and (vii) access to education for workers' children.  It does not modify the scope of application of the Regulation (EU) No 492/2011 and **only applies in cases of discrimination on the grounds of nationality** in relation to the matters covered by that Regulation, by introducing the provisions of **protection, information and support**. It underpins the guarantee of **equal treatment** and reinforces remedies in cases of unjustified obstacles in relation to eligibility and access to employment for workers exercising their right to free movement within the European Union.  The proposal introduces **legal obligations in regard to the following**:   * **means of redress:** the Directive would guarantee EU migrant workers an appropriate means of redress at national level. Any EU worker who believes that he/she has been the victim of discrimination on the grounds of nationality should be able to make use of appropriate administrative and/or judicial procedures to challenge the discriminatory behaviour; the proposal covers both judicial and extra-judicial means of redress, including alternative dispute settlement mechanisms, such as **conciliation and mediation**; **time limits for bringing actions** as regards the principle of equal treatment, provided that these time limits are such that they cannot be regarded as capable of rendering virtually impossible or excessively difficult the exercise of rights conferred by Union law on free movement of workers; * **role of associations, organisations or other legal entities:** the Directive would further protect workers by ensuring that associations, organisations or other legal entities with a legitimate interest in the promotion of the rights to free movement of workers may engage in any administrative or judicial procedure on behalf or in support of EU migrant workers where there has been a violation of their rights; * **national structures to provide information, support and assistance:** the Directive would set up structures or bodies at a national level to promote the exercise of the right to free movement by providing information and supporting and assisting EU migrant workers who suffer from nationality based-discrimination; the proposal details the tasks of these devolved structures; * **awareness raising:** the Directive would raise awareness by providing employers, workers, and any other interested parties with **easily accessible relevant information.** The proposal leaves the choice of information tools to the Member States, but on-line or digital information with links to the existing information tools at EU level, Your Europe and EURES websites would be made compulsory; * **dialogue:** the Directive would require Member States, in accordance with national traditions and practices, to take adequate measures to encourage and promote dialogue with social partners and non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of nationality.   BUDGETARY IMPLICATIONS: this proposal is expected to have limited implications on the Union budget. Expenses for an evaluation study in 2015 are estimated to not exceed EUR 300 000 and will be covered by funds available from the budget line financing the free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.  Costs for human resources (EUR 131 000 p.a.) will be covered under heading 5 of the Multiannual Financial Framework. | Rejected |  | Add:  Member States should be entitled to create and maintain certain criteria for access to their social benefits, in order to ensure that those who benefit from the national social system do have a long and continued connection to their labour markets. It is unsustainable for a welfare state to have payment obligations to  Union citizens who only stay in a Member State for a short period of time and who, during that time, might not even contribute adequately to the welfare state.  In light of recent developments, Member States should therefore be entitled to lay down restrictions that ensure the stability of the welfare state  Add:  The easy access to social benefits in  some Member States is one of the main reasons for social dumping. For example, child subsidies in some Member States constitute up to 25 % of the annual payment in other Member States. This creates a negative incentive as access to social benefits linked to a job becomes more economically attractive than decent pay  Change:  The free movement of workers is also a key element to the development of a genuine Union labour market, allowing workers to move from high unemployment  areas to areas where there are labour shortages, helping more people find posts better suited to their skills and overcoming  bottlenecks in the labour market.  To:  The free movement of workers is also a key element to the development of a genuine Union labour market, allowing  workers to move to areas where there are labour shortages or offering more employment opportunities, helping more  people find posts better suited to their skills and overcoming bottlenecks in the labour  market. On the other hand, the free  movement of workers has created many problems, such as social dumping and pressure on welfare payments.  Change:  This Directive lays down minimum  requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. Member States also have the possibility to  extend the competencies of the  organisations entrusted with tasks related to the protection of Union migrant workers against discrimination on grounds of nationality so as to cover the right to equal treatment without discrimination on grounds of nationality of all Union citizens and their family members exercising their right to free movement, as enshrined in Article 21 TFEU and Directive 2004/38/EC of the  European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States33 . The implementation of the present Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.  To:  Family members of Union citizens  have the right to move and stay in another Member State along with their spouse. However, if the family member is not a Union citizen, national migration law has to be followed. It is unacceptable that the  rights for Union citizens can be used by non-Union citizens to gain access to a Member State which is not granted by the migration law of the Member State. |  |
| European network of Employment Services, workers' access to mobility services and the further integration of labour markets | PURPOSE: to reinforce the EURES network with the aim of enhancing access of workers to intra-EU labour mobility support services, thus supporting fair mobility and increasing access to employment opportunities throughout the Union.  PROPOSED ACT: Regulation of the European Parliament and of the Council.  ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.  BACKGROUND: the free movement of workers is a fundamental freedom of Union citizens and one of the pillars of the internal market in the Union enshrined in Article 45 of the TFEU.  Article 46 sets out the measures to bring about this freedom, in particular by ensuring close cooperation between the Public Employment Services ('PES').  The free movement of workers is a key element to the development of a more integrated Union labour market which allows worker mobility from high unemployment areas to areas characterised by labour shortages. It also contributes to finding the right skills for vacant positions and overcoming bottlenecks in the labour market.  Only approximately 7.5 million of the European labour force of around 241 million (i.e. 3.1%) is economically active in another Member State. At present, high unemployment rates in some Member States coexist with high numbers of open job vacancies in others. There are many reasons why the potential for intra-EU labour mobility remains untapped and individual citizens do not realise their intentions to become mobile workers. The most common practical difficulties expected or encountered are the lack of relevant language knowledge and the difficulties in finding a job. The EU can contribute to addressing the latter by raising awareness on employment opportunities across the Union and developing appropriate support services to encourage intra-EU recruitments.  The provisions of [Regulation 492/2011](http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2010/0110) of the Euro  pean Parliament and of the Council on freedom of movement for workers within the Union (codification) established mechanisms for clearance and for information exchange and the Commission Implementing Decision 2012/733/EU has laid down provisions on the functioning of a network entitled EURES (European Employment Services) in accordance with that Regulation.  Whereas the functioning of the EURES network was subject to some changes at the initiative of the Commission through its 2012 Decision, the Chapter II of Regulation 492/2011 which constitutes the European regulatory framework for the clearance and information exchange between Member States on intra-EU labour mobility has not been amended since 1992.  **This regulatory framework needs to be revised** to reflect new mobility patterns, enhanced requirements for fair mobility, changes in the technology for sharing job vacancy data, the use of a variety of recruitment channels by job seekers and employers and the increasing role of other labour market brokers next to the Public Employment Services ('PES') in the provision of recruitment services.  A common framework for cooperation should be established between Member States and the Commission on labour mobility within the Union. This framework should bring together job vacancies from across the Union and the possibility of applying for those job vacancies ('clearance'), define the provision of related support services to workers and employers and provide for a common approach to share information necessary to facilitate said co-operation.  IMPACT ASSESSMENT: the Commission conducted an impact assessment of policy alternatives to address shortcomings:   * ***Option 1***: no new options, * ***Option 2***: amending Regulation 492/2011 as regards the powers of the Commission on the implementation of its provisions (Lisbonisation), * ***Option 3***: introducing a **new Regulation** with new provisions altogether (modernisation of EURES)  , * ***Option 4***: introducing a new Regulation with a specific Commission mandate to increase the co-operation between public and private employment services.   **Option 3** is the preferred option which should replace Regulation 492/2011 and the 2012 Decision with a **stand-alone instrument** combining the provisions of the two instruments. Within this option, a number of specific alternatives were discarded as not being proportionate to the specific objectives.  LEGAL BASIS: Article 46 of the Treaty on the Functioning of the European Union (TFEU).  CONTENT: the aim of this proposal is to enhance access of workers to intra-EU labour mobility support services, thus supporting fair mobility and increasing access to employment opportunities throughout the Union. It replaces the provisions on the exchange of information on job vacancies, job applications and CV’s across Member States (“clearance”) found currently in Regulation 492/2011.  It also **(re)establishes the European network of Employment Services**, called **EURES**, the purpose of which will be to provide assistance with job search and recruitment across Member States. A similar network is active today on the basis of the 2012 Commission Decision. Therefore, upon adoption of this Regulation, the Commission will repeal the above Decision on the functioning of the current EURES network.  In this context, the Commission recently introduced a [proposal to establish a network of PES](http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2013/0202) to deepen cooperation and mutual learning. That network will cover a wider range of objectives and initiatives in the form of incentives and is complementary to this proposal.  **Objectives**: the general objective is to make the EURES network an **effective instrument** for any job seeker or employer interested in intra-EU labour mobility. Shortcomings have been identified in the functioning of the EURES network (such as an incomplete pool of job vacancies and CVs; limited automated matching potential; insufficient support services and cross-border information on labour). The specific objectives of the proposal address these shortcomings:   * to achieve on the EURES portal a nearly complete supply of job vacancies, with job seekers all over Europe having instant access to the same vacancies, in combination with an extensive pool of CV’s available from which registered employers can recruit; * to enable the EURES portal to carry out a good automated matching between job vacancies and CV’s across Member States, translating in all EU languages and understanding skills, competences, qualifications and occupations acquired at national and sectoral level; * to make available basic information about the EURES network throughout the Union to any job seeker or employer seeking client services for recruitment and to consistently offer any person interested access to the EURES network; * to assist any such person interested with matching, placement and recruitment through the EURES network; * to support the functioning of the EURES network through information exchange on national labour shortages and surpluses and the coordination of actions across Member States.   More specifically, the proposal seeks to:   * integrate into a **single framework** the provisions of chapter II and Article 38 of Regulation 492/2011 and the Commission Decision 733/2012/EU on the EURES network. There may also be a possibility to **extend the scope** of the EURES network to cover apprenticeships and traineeships; * **re-establish the EURES network** as well as laying down the new terms and conditions as regards its composition and membership. A single governance body to facilitate practical co-operation between Commission and Member States for this Regulation shall be set up; * introduce specific measures on **transparency** and automated matching; * introduce the specific measures on **mainstreaming** and support services. The proposal explicitly supports the extension of the delivery of support services by organisations other than the PES, in principle through the voluntary participation in the EURES network by EURES Partners. In addition, PES are encouraged to develop partnerships to promote a coherent service package to employers as regards intra-EU labour mobility. One specific form of these support structures are **cross-border partnerships**; * reinforce the existing arrangements for **sharing information** in the EURES network where it benefits the quality of concrete collective outputs or the coordination of policies of Member States.   BUDGETARY IMPLICATIONS: the proposal will not result in any specific budgetary impact for the EU budget. Any activities to be carried out by the European Commission for the EURES network which will result in the need for human and/or financial resources fall under the scope of the Regulation establishing the [Programme for Employment and Social Innovation](http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2011/0270) ("EaSI") (2014-2020) and will be covered within the annual budgetary allocation of this programme. For the period 2014-2020, this EU programme will pay for horizontal measures such as the EURES portal, the common training programme, targeted mobility schemes like Your first EURES Job and the development of the European classification for skills/competences, qualifications and occupations (ESCO). For the same period, activities in Member States on intra-EU labour mobility are eligible under the European Social Fund.  DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union |  |  | Add:  Member States may opt out of the EURES network.  Add:  In order to respect the sovereignty  of the Member States, participation in this network should in no case be compulsory; it should be solely on a voluntary basis; Member States should in no case be forced to participate in this network  Add:  Member States may choose to opt out of the EURES network  Change:  To bring offers of employment together with applications for employment each Member State shall make available to the  EURES portal:  To:  To bring offers of employment together with applications for employment each Member State may make available to the  EURES portal:  Delete:  all job vacancies available with its  public employment services as well as those provided by its EURES Partners  Delete:  1. The Commission shall develop a  European classification of skills,  competences, qualifications and  occupations. This classification is the tool facilitating on line job application across borders for the European Union by performing job matching, identifying skills shortages, recognising qualifications and providing career  guidance on the EURES portal.  2. Member States cooperate with each  other and the European Commission  regarding interoperability between  national systems and the classification  referred to in paragraph 1.  3. To that end, by 1.1.2017 each Member  State shall establish an initial inventory to  map all its national, regional and sectoral  classifications to and from the  classification referred to in paragraph 1,  and, following the introduction of the use  of the inventory on the basis of an  application made available by the  European Coordination Office, regularly  update the inventory to keep it updated  with the evolution of recruitment services.  4. The Commission provides technical  support to Member States who choose to  replace national classifications with the  classification referred to in paragraph 1.  5. The Commission shall adopt, by means  of implementing acts, the technical  standards and formats necessary for the  operation of the classification referred to  in paragraph 1. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3). |  |

Code Book

Category

|  |  |  |  |
| --- | --- | --- | --- |
| Category | Coding Rule | Example Left | Example Right |
| Framing of Migrants | Phrases showing how migrants are referred to, may it be in a neutral or ideological way, including phrases in which the context describes a party’s viewpoint on migrants. |  |  |
| Stance towards European integration with the topic of migration | Phrases with which the competencies of the European Union on a migration task are addressed, enhanced, or limited and phrases which mention the sovereignty of member states in context with migration. |  |  |
| Stance towards economic migration and labour rights | Phrases from which the party’s stance towards economic migration becomes apparent, and phrases referring to the labour rights of migrants. |  |  |