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| 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. | None | Right (EFDD & 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. | General/ Right | Left (Greens & EUL/NGL/ 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.) | No information should be saved and stored about persons with long-stay visa and residence permits, indicating that those people are viewed as being different from migrants with short-stay visas |
| 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. | General | Left (EUL/NGL/ 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 | Highlighting the application of human rights law in the context of migration  Adding “humanitarian” to the general described trade-off between security and migration  Children and minors are not referred to as refugees but as minors.  Delete “migratory and security risks” from the circumstances to check  European cooperation while respecting local differences  Delete the negative consequences for third countries who do not readmit their citizens. Delete  Delete automatic increase of visa fees |
| 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.** | General | Right (EFDD) | 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 | Left | Right (ENF) | 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: 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”  Role of EU is expected to be helping mostly “affected” countries  Delete intention to integrate migrants  Adding the importance of migration policies by individual member states taking into account their economic situation  “illegal immigration” instead of “irregular immigration”  ‘return operations” instead of “readmission” in third countries  Adding authority of member states  Not aiming to increase “awareness of asylum, legal migration and return policies” but only for “return policies”  Migrants as “third-country nationals”  Supporting “removal operations” with “coercive equipment”  Leaving out civil society organisations  Delete measures to improve alternatives for unaccompanied minors and families  Delete any reference to “humanitarian admission”  Against EU-wide migration scheme and employment training of migrants  Against the simplification of family reunifications of migrants |
| 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. | General | Right (EFD) | 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. | Accusing the EU to leave South-Eastern countries alone with the problems coming with immigration.  “high migratory pressure” – focus not on individuals but framing as an external burden  Demand equal distribution of migrants in the EU  Refer to accepting migrants as “burden” |
| 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. | General/ Left | Right (EFD) | 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. | Highlight that member states should keep authority over social benefits for migrants  Frame migrants as people who often practice “social dumping” or benefit from social system without having contributed to it  Would support to limit the free movement of workers if social dumping could be avoided  Principle of freedom of movement should not apply in to migrants in the same way but be regulated by migration law and should be regulated nationally by member states.  Migrants as “non-Union citizens” |
| 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 | General | Right (EFDD/ ENF) | 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). | Against an EU-wide portal supporting EU-wide labour mobility, highlighting sovereignty of member states  European cooperation as a voluntary commitment  Against EU-wide publication of employment opportunities and services  Against regulation by the Commission for defining European standards for job qualifications  Against simplifying job application across EU borders  Highlighting authority of member states |
| Posting of workers in the framework of the provision of services | Posting of workers in the framework of the provision of services: enforcement of Directive 96/71/EC 2012/0061(COD) - 21/03/2012 - Legislative proposal  PURPOSE: to establish a general common framework of provisions for better enforcement in practice of Directive 96/71/EC, including  measures to prevent and sanction any abuse and circumvention of the applicable rules.  PROPOSED ACT: Directive of the European Parliament and of the Council.  BACKGROUND: it can be estimated that around one million workers are posted each year by their employers from one Member State to another. Posting thus concerns 0.4% of the active population of EU-15 sending countries and 0.7% of the active population of EU-12 sending countries. In terms of labour mobility within the EU, the number of postings represented 18.5% of non-national EU-27 citizens in the labour force in 2007. The economic importance of posting exceeds by far its quantitative size, as it can play a crucial economic role in filling temporary shortfalls in the labour supply in certain professions or sectors (e.g. construction and transport). Furthermore, the posting of workers enhances international trade in services with all advantages linked to the Single Market such as higher competition, and efficiency gains. Posted workers are covered by (the Posting of Workers Directive).Directive 96/71/EC The Directive aims to reconcile the freedom to provide cross-border services under Article 56 TFEU with appropriate protection of the rights of workers temporarily posted abroad for that purpose. It sets out mandatory rules at EU level that must be applied to posted workers in the host country, and establishes a core set of clearly defined terms and conditions of work and employment that must be complied with by the service provider in the host country to ensure the minimum protection of workers. The Directive thus provides a significant level of protection for workers and also plays a key role in between all service providers by guaranteeing both a level playingpromoting a climate of fair competition field and legal certainty for service providers, service recipients, and workers posted for the provision of services. However, the in 2003 identified several deficiencies and problems of incorrect implementation. Commissions evaluation of the Directive adopted in 2006 aimed at clarifying the extent to which certain national control measures could be justified in view of the Court ofGuidelines Justices jurisprudence. In its of 2007 the Commission highlighted several shortcomings as regards the way controls wereCommunication carried out in some Member States and the poor quality of administrative cooperation and access to information. The triggered an intensejudgments of the European Court of Justice in the Viking-Line, Laval, Rüffert and Commission v Luxembourg cases debate among EU institutions, academics and social partners. This focused on two major issues:  - how to set the right balance between the exercise by trade unions of their right to take collective action, including the right to strike,  and the economic freedoms enshrined in the TFEU, in particular the freedom of establishment and the freedom to provide services;  - how to interpret some key provisions in Directive 96/71/EC, such as the concept of public policy, the material scope of the terms and conditions of employment imposed by the Directive and the nature of mandatory rules, in particular the minimum wage.  In October 2008, the European Parliament adopted a , calling on all Member Statesresolution properly to enforce the Posting of Workers and emphasised that the freedom to provide services as one of the cornerstones of the European project should be balanced, on theDirective one hand, against fundamental rights and the social objectives of the Treaties and on the other hand, against the right of the public and social partners to ensure non-discrimination, equal treatment and the improvement of living and working conditions. By facilitating the cross-border provision of services and improving the climate of fair competition, this initiative will allow the potential for growth offered by the posting of workers and jobs for posted workers to be tapped as a key element in the provision of services in the internal market.  IMPACT ASSESSMENT: the Commission conducted an impact assessment of policy alternatives based on an external study. All options were  analysed against the following specific objectives:  - better protection of the rights of posted workers;  - facilitating the cross-border provision of services and improving the climate of fair competition;  - improving legal certainty as regards the balance between social rights and economic freedoms, in particular in the context of the posting of workers.  The preferred option is a combination of different measures. A package of regulatory measures to deal with the implementation, monitoring and enforcement of the minimum working conditions and with the abuse of posted worker status in order to evade or circumvent legislation, combined with non- regulatory measures to deal with controversial or unclear interpretation of the terms and conditions of employment required by Directive 96/71/EC, is considered to be overall the most effective and efficient solution to address the specific objectives. Furthermore, a positive impact on SMEs and especially micro-businesses can be expected thanks to the improved and clearer regulatory environment. because this would undermine one of the proposal's keyMicro-businesses will not be excluded from the of the proposal scope objectives - the fight against letter box companies - and it would create considerable new loopholes. LEGAL BASIS: Article 53(1) and 62 of the Treaty on the Functioning of the EU.  CONTENT: this proposal aims to improve, enhance and reinforce the way in which the latter Directivewithout re-opening Directive 96/71/EC,  is applied and enforced in practice across the EU. It aims to establish a general common framework of appropriate provisions and measures  for better and more uniform implementation, application and enforcement of the Directive, including measures to prevent any circumvention or  abuse of the rules. It ensures at the same time guarantees for the protection of posted workers rights and the removal of unjustified obstacles  to the free provision of services. The proposal is closely linked to the for a Regulation clarifying the exercise of the right to takeproposal  collective action within the context of the economic freedoms of the Single Market.  Preventing abuse and circumvention - elements improving implementation and better monitoring of application of the notion of posting: the  proposal:  · clarifies the definition of posted worker laid down in Directive 96/71/EC42, since it has often been difficult to determine whether there  is a posting within the meaning of the Directive. Abuses have also been committed by employers exploring insufficient clarity of the  legal provisions in order to circumvent the applicable rules;  · the role of the Member State from which the posting takes place is further clarified in the context of administrative cooperation.  Access to information: access to advance information about the terms and conditions of employment applicable in the host country is a  prerequisite for interested parties to be able to provide services in compliance with Directive 96/71/EC. The proposal contains a number of  more detailed measures to help ensure easily accessible and generally available information on the terms and conditions to be respected,  including where these are laid down in collective agreements.  Administrative cooperation and mutual assistance: the proposal lays down:  · the general principles, rules and procedures necessary for effective administrative cooperation and assistance;  · the role of the Member State from which the posting takes place;  · an appropriate legal basis for the use of the separate and specific application of the Internal Market Information System (IMI) as the  electronic information exchange system to facilitate administrative cooperation on the posting of workers;  · accompanying measures to develop, facilitate, support, promote and further improve administrative cooperation and to increase  mutual trust, including through financial support.  Monitoring compliance: these provisions cover national control measures, including those which may be applied to legally resident and lawfully  employed third-country nationals who are posted within the EU by their employer, as well as inspections.  A review clause has been included in order to evaluate the situation further, in particular to examine the necessity and appropriateness of the  application of national control measures in the light of the experiences with the functioning of the system of administrative cooperation as well  as technological developments.  In its case law, the ECJ has further clarified the . The Commission discusses thecompatibility of certain national control measures with EU law  relevant case law and states that it is considered appropriate to , indicating clearly whichclarify this case law by codifying it in the proposal  requirements are compatible with obligations under EU law and which are not. By complying with their obligations, Member States would  substantially contribute to reducing administrative burdens and SMEs would benefit from better enforcement of the existing Directive, a more  level playing field and fairer competition. Improved administrative cooperation and effective and adequate inspections based on risk  assessment would make inspections more effective and reduce costs for companies in non-risk sectors or situations and thus contribute to  less burdensome controls.  Furthermore, , primarily based on regular risk assessment by the competent authorities, should be carriedeffective and adequate inspections  out in order to control and monitor compliance with the applicable rules. In order to reflect the different industrial relations systems and  diversity of systems of control in the Member States, other actors and/or bodies may also monitor certain terms and conditions of employment  of posted workers, such as the minimum rates of pay and working time.  Enforcement: the proposal sets out provisions on the enforcement and defence of rights, which in itself concerns a fundamental right: the  Charter of Fundamental Rights of the European Union confirms the right to effective remedy for everyone whose rights and freedoms  guaranteed by the law of the EU are not respected.  Complaint mechanisms: the proposal sets out provisions on effective mechanisms for posted workers to lodge complaints directly or through  designated third parties, such as trade unions, subject to their approval.  Joint and several liabilities: the protection of workers rights is a matter of particular concern in subcontracting chains, which are particularly  widespread in the construction sector in the EU. There is evidence that, in a number of cases, posted workers are exploited and left without  payment of wages or part of the wages they are entitled to under the Directive 96/71/EC.  The European Parliament has adopted several resolutions on this issue, calling upon the Commission to establish a legislative instrument on  joint and several liability at EU level, in particular for long subcontracting chains (see 2011/2147(INI). However, a cautious approach is  required in this respect in order to take due account of the variety of legal systems in place in the Member States, as well as the impact such a  system may have on cross-border service provision within the Internal Market.  The proposal contains with respect to compliance with thespecific provisions concerning contractors obligations and (joint and several) liability  relevant terms and conditions of employment of posted workers by subcontractors. The focus is on preventive measures, combined with the  possibility for Member States who so wish to implement more far-reaching systems of joint and several or chain liability. The provisions are , as defined by the list of activities included in the Annex to the Directive. Posting bylimited to the construction sector temporary work agencies is included provided it is aimed at activities in the construction sector. However, Member States may, if they so wish, extend these provisions to other sectors. This balanced package of measures should reflect sufficiently the diversity of existing systems at national level, while at the same time avoiding adding unnecessary or unjustified administrative burden for companies. Joint and several liability is a mechanism of self-regulation between private actors and a far less restrictive and more proportionate system than possible alternative systems such as pure state intervention by inspections and sanctions. Cross-border enforcement of administrative fines and penalties: the absence of a common mutual recognition and enforcement instrument has been identified as causing major practical enforcement problems and difficulties. In a number of Member States the sanctions imposed are of a penal or criminal nature, whereas in others they are governed by administrative law, and a combination of the two can also be found. Posting of workers in the framework of the provision of servicesExisting EU instruments, such as and the , govern to a certain extent someCouncil Framework Decision 2005/214/JHA Brussels I Regulation  of the fines and penalties imposed.  With respect to fines and penalties of an administrative nature, which can be appealed to courts other than penal courts, similar instruments do  not exist. Therefore, the proposal sets out a system for the cross-border enforcement of such administrative fines and penalties.  FINANCIAL IMPLICATIONS: the proposal is expected to have implications for the EU budget: costs for grants (projects, seminars, exchange of good practice etc) of EUR 2 million as well as for the Expert Committee on the Posting of Workers of EUR 0. 264 million per year will be covered by PROGRESS (2013) and the Programme for Social Change and Innovation (2014-2020); costs of EUR 0.5 million for an ex-post evaluation study in 2016 will be covered by the Programme for Social Change and Innovation; costs for human resources of EUR 0.232 million and other administrative expenditure (travel costs EUR 0.01 million; stakeholder conferences every second year EUR 0.36 million) will be covered under heading 5 of the Multiannual Financial Framework. | General Majority | The Left | Add: “other administrative requirements and control measures if these are deemed necessary in order to ensure effective monitoring of compliance with the obligations set out in Directive 96/71/EC  and in this Directive.”  Justification: Safeguarding of the open list: deleting of 4 conditions "(situations and new developments gives the impression that administrative requirements and control measures are  not sufficient or effective) which makes it in fact impossible for Member States to add new control measures. Deletion of "justified and proportionate " because than it is up to the ECJ to allow additional control measures. This is against the principle of subsidiarity.”  Add:  2a. Member States shall communicate to the Commission and inform service providers of any measures referred to in  paragraphs 1 and 1a that they apply or that have been implemented by them. The  Commission shall communicate the provisions concerned to the other Member States. The information for the service  providers shall be made generally available on a single national website in  the most relevant language(s), as determined by the Member State, taking  into account demands in its labour market. The Commission shall report regularly to the Council on measures communicated  by Member States.” Justification: It is restricting the subsidiarity of Member States. Deletion of: The Commission shall monitor  the application of the measures referred to in paragraph 1 and 1a closely, evaluate their compliance with Union law and shall, where appropriate, take the necessary measures in  accordance with its compliance under the Treaty.  Change:  With respect to the construction activities referred to in the Annex to Directive 96/71/EC, for all posting situations covered by Article 1(3) of Directive  96/71/EC, the Member States shall ensure on a non–discriminatory basis with regard to the protection of the equivalent rights  of employees of direct subcontractors established in its territory, that the  contractor of which the employer (service provider or temporary employment  undertaking or placement agency) is a direct subcontractor can, in addition to or in place of the employer, be held liable by  the posted worker and/or common funds or  institutions of social partners for non-payment of the following  To:  In order to tackle fraud and abuse, Member States may, after consultation of the relevant social partners, in accordance with national law and/or practice, take  additional measures a non–discriminatory and proportionate basis in order to ensure that in subcontracting chains the main contractor can, in addition to or in place of  the subcontractor, be held liable by the posted worker with respect to any outstanding net remuneration corresponding to the minimum rates of  pay and/or contributions due to common funds or institutions of social partners in so far as covered by Article 3 of Directive  96/71/EC” Justification: Liability in subcontractiong chains: the subcontractor should be liable in addition or in place of the main contractor. It is important to prevent abuse and circumvention.  Change:  Member States shall provide that a contractor who has undertaken due diligence shall not be liable in accordance with paragraph 1.  To:  Member States shall provide for measures ensuring that in subcontracting chains, posted workers can hold the main contractor liable, in addition to or in place  of the employer, with respect to any outstanding net remuneration corresponding to the minimum rates of pay and/or contributions due to common funds or institutions of social partners in so far as covered by Article 3 of Directive  96/71/EC. | Adding further control measures for member states to ensure equal rights for posted workers.  Strengthening the sovereign decision of the member states, mentioning subsidiarity.  Strengthening the sovereign decision of the member states, mentioning subsidiarity.  Highlighting the non-discriminatory measures needed to fight fraud and abuse in the context of posted workers.  Strengthening the position of posted workers against subcontractors or employers. |

Code Book

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| --- | --- | --- | --- | --- |
| Category | Coding Rule | Example Left | Example Right | Number of coded segments |
| 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. | “**irregular** migrants”  “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. “ | “**illegal** migrants”  “**migratory pressure**”  “**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.” | Total: 21  Left: 7  Right: 14 |
| Stance towards European integration in the context 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. | “**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;**” – European cooperation based on Schengen while taking into account local differences. | **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.** | Total: 19  Left: 3  Right: 16 |
| Stance towards economic migration and labour rights of migrant | Phrases from which the party’s stance towards economic migration becomes apparent, and phrases referring to the labour rights of migrants. | “In order to tackle fraud and abuse, Member States may, […] take  additional measures a non–discriminatory and proportionate basis in order to ensure that in subcontracting chains the main contractor can, […] be held liable by the posted worker”  -Strengthening the rights of posted workers abroad | On the other hand, the free movement of workers has created many problems, such as social dumping and pressure on welfare payments. | Total: 9  Left: 3  Right: 6 |

Fine-tuning 1

Prompt:

"Imagine you are an experienced policymaker in the European Parliament. When provided with a legislative proposal supported by either a left- or right-leaning, a general or no majority, your task is to modify the text to potentially gain support from counterfactual majority. Return the changes the respective majority would propose in the form of an amendment."

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| --- | --- | --- |
| Legislative text in prompt | Fine-tuned Model 1 |  |
| "Supporting majority: General/Left, alter text to: right majority. Proposal: 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  […(full text provided)]  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" | A [right] majority would propose to change the part 'establishing a Union legislative framework for the (re)integration of third country nationals in other proposals affecting this issue, contribute to effective partnerships with third countries or enhance practical cooperation in related activities;' to 'establishing a Union legislative framework for the (re)integration of third country nationals, in full respect of the principles of subsidiarity and proportionality, it being appropriate that such co-operation should, where possible, involve regional and local authorities, civil society and the private sector, in other proposals affecting this issue, contribute to effective partnerships with third countries or enhance practical cooperation in related activities; | Highlighting the sovereignty of nation states by adding principles of subsidiarity and cooperation with regional and local authorities.  Calling migrants “third country nationals”  Highlighting cooperation with third countries for the “(re)integration” |
| "Supporting majority: General/Left, alter text to: right majority. Proposal: European network of Employment Services, workers' access to mobility services and the further integration of labour markets. What else could a right majority propose to change, delete, or add?" | A Right majority would further propose to delete 'access to more effective and efficient employment services and integrated services, including services for self-employment; |  |
| "Supporting majority: General/Left, alter text to: right majority. Proposal: European network of Employment Services, workers' access to mobility services and the further integration of labour markets. What else could a right majority propose to change, delete, or add?" | A right majority would further propose: 'Delete the part: 'whereas digitalisation has made it more difficult for SMEs to access online and distance training, placing them at a disadvantage compared with large companies, which offer more training in general; |  |
| "Supporting majority: General, alter text to: right majority. Proposal: 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.  […(Full text provided)]  The impact assessment provides a financial envelope of EUR 338.7 million from 2011 to 2020." | 'A right majority would reject the proposal. | Highly unlikely that a right majority would reject the proposal about a core topic of border security and surveillance in total. |
| "Supporting majority: General, alter text to: right majority. Proposal: European Border Surveillance System (EUROSUR). What else could a right majority propose to change, delete, or add?" | A Right majority would further propose to delete the part 'relevant features of the situation at the external borders, most notably at border crossing points’ | Meaningless paragraph, no political direction and no frame recognizable without context. |
| "Supporting majority: General, alter text to: left majority. Proposal: Posting of workers in the framework of the provision of services. Posting of workers in the framework of the provision of services: enforcement of Directive 96/71/EC 2012/0061(COD) - 21/03/2012 - Legislative proposal PURPOSE: to establish a general common framework of provisions for better enforcement in practice of Directive 96/71/EC, including measures to prevent and sanction any abuse and circumvention of the applicable rules. PROPOSED ACT: Directive of the European Parliament and of the Council. BACKGROUND: it can be estimated that around one million workers are posted each year by their employers from one Member State to another. Posting thus concerns 0.4% of the active population of EU-15 sending countries and 0.7% of the active population of EU-12 sending countries.  […(Full text provided)]  stakeholder conferences every second year EUR 0.36 million) will be covered under heading 5 of the Multiannual Financial Framework." | The left majority proposes to delete the part "According to decisions of the Court of Justice such measures should "be determined on a case-by-case basis and take into account all the elements of the situation in question.” |  |

ChatCompletionMessage(content=" A [right] majority would propose to change the part 'establishing a Union legislative framework for the (re)integration of third country nationals in other proposals affecting this issue, contribute to effective partnerships with third countries or enhance practical cooperation in related activities;' to 'establishing a Union legislative framework for the (re)integration of third country nationals, in full respect of the principles of subsidiarity and proportionality, it being appropriate that such co-operation should, where possible, involve regional and local authorities, civil society and the private sector, in other proposals affecting this issue, contribute to effective partnerships with third countries or enhance practical cooperation in related activities;'", role='assistant', function\_call=None, tool\_calls=None)

ChatCompletionMessage(content="A Right majority would further propose to delete 'access to more effective and efficient employment services and integrated services, including services for self-employment;'", role='assistant', function\_call=None, tool\_calls=None)

ChatCompletionMessage(content="A right majority would further propose: 'Delete the part: 'whereas digitalisation has made it more difficult for SMEs to access online and distance training, placing them at a disadvantage compared with large companies, which offer more training in general;'", role='assistant', function\_call=None, tool\_calls=None)

ChatCompletionMessage(content='A right majority would reject the proposal.', role='assistant', function\_call=None, tool\_calls=None)

ChatCompletionMessage(content="A Right majority would further propose to delete the part 'relevant features of the situation at the external borders, most notably at border crossing points'", role='assistant', function\_call=None, tool\_calls=None)

ChatCompletionMessage(content='The left majority proposes to delete the part "According to decisions of the Court of Justice such measures should "be determined on a case-by-case basis and take into account all the elements of the situation in question."', role='assistant', function\_call=None, tool\_calls=None)