

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

**(Article 81 to 120)**

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1086</b>	CHAPTER IV		CHAPTER IV	
<b>1087</b>	General provisions		General provisions	
<b>1088</b>	Section 1		Section 1	
<b>1089</b>	General rules		General rules	
<b>1090</b>	Article 81		Article 81	
<b>1091</b>	Protection of fundamental rights and a fundamental rights strategy	Protection of fundamental rights and a fundamental rights strategy	Protection of fundamental rights and a fundamental rights strategy	
<b>1092</b>	1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter, relevant international law — including the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol thereto and obligations related to access to	1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter <i>and</i> relevant international law — including the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol thereto, <i>the Convention on the Rights of the</i>	1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter, relevant international law — including the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol thereto and obligations related to access to	

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	international protection, in particular the principle of non-refoulement.	<i>Child</i> and obligations related to access to international protection, in particular the principle of non-refoulement.	international protection, in particular the principle of non-refoulement.	
<b>1093</b>	For that purpose, the Agency shall draw up, further develop and implement a fundamental rights strategy including an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency.	For that purpose, the Agency, <i>subject to the endorsement by the fundamental rights officer</i> , shall draw up, further develop and implement a fundamental rights strategy <i>and action plan</i> , including an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency. <i>Implementation of the strategy and action plan shall be reported by the fundamental rights officer in accordance with Article 107(2).</i>	For that purpose, the Agency shall draw up, further develop and implement a fundamental rights strategy including an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency.	
<b>1094</b>	2. In performing of its tasks, the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to, or otherwise handed over or returned to, the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle.	2. In performing of its tasks, the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to, or otherwise handed over or returned to, the authorities of a country <i>where there is, inter alia, a serious risk that he or she would be subjected to the death penalty, torture, persecution, or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion,</i>	2. In performing of its tasks, the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to, or otherwise handed over or returned to, the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle.	

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		<i>nationality, sexual orientation, membership of a particular social group or political opinion</i> , in contravention of the principle of non-refoulement, or from which there is a risk of expulsion, <i>removal, extradition</i> or return to another country in contravention of that principle.		
1095	3. In performing of its tasks the European Border and Coast Guard shall take into account the special needs of children, unaccompanied minors, persons with disabilities, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.	3. In performing of its tasks the European Border and Coast Guard shall take into account <i>and address</i> the special needs of children, unaccompanied minors, persons with disabilities, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.	3. In performing of its tasks the European Border and Coast Guard shall take into account the special needs of children, unaccompanied minors, persons with disabilities, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.	
1096	The European Border and Coast Guard shall in all its activities pay particular attention to children's rights and ensure that the best interests of the child are respected.	The European Border and Coast Guard shall in all its activities pay particular attention to children's rights and ensure that the best interests of the child are respected.	The European Border and Coast Guard shall in all its activities pay particular attention to children's rights and ensure that the best interests of the child are respected.	
1097	4. In performing its tasks, in its relations with Member States and in its cooperation with third countries, the Agency shall take into account the reports of the consultative forum	4. In performing <i>all</i> its tasks, <i>including the further development and implementation of an effective mechanism to monitor the respect for fundamental rights</i> , in its	4. In performing its tasks, in its relations with Member States and in its cooperation with third countries, the Agency shall take into account the reports of the consultative forum	

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	referred to in Article 70 and the fundamental rights officer.	relations with Member States and in its cooperation with third countries, the Agency shall take into account the reports of the consultative forum referred to in Article 70 and the fundamental rights officer.	referred to in Article 70 and the fundamental rights officer.	
<b>1098</b>	Article 82		Article 82	
<b>1099</b>	Code of conduct	Code of conduct	Code of conduct	
<b>1100</b>	1. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct applicable to all border control operations coordinated by the Agency and all persons participating in the activities of the Agency. The code of conduct shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on vulnerable persons, including children, unaccompanied minors and other persons in a vulnerable situation, as well as on persons seeking international protection.	1. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct applicable to all border control operations coordinated by the Agency and all persons participating in the activities of the Agency. The code of conduct shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on vulnerable persons, including children, unaccompanied minors and other persons in a vulnerable situation, as well as on persons seeking international protection.	1. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct applicable to all border control operations coordinated by the Agency and all persons participating in the activities of the Agency. The code of conduct shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on vulnerable persons, including children, unaccompanied minors and other persons in a vulnerable situation, as well as on persons seeking international protection.	
<b>1101</b>	2. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct for the return of returnees,	2. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct for the return of returnees,	2. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct for <del>the</del> return <del>of</del>	

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	which shall apply during all return operations and return interventions coordinated or organised by the Agency. That code of conduct shall describe common standardised procedures to simplify the organisation of return operations and return interventions, and assure return in a humane manner and with full respect for fundamental rights, in particular the principles of human dignity, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security and the right to the protection of personal data and non-discrimination.	which shall apply during all return operations and return interventions coordinated or organised by the Agency. That code of conduct shall describe common standardised procedures to simplify the organisation of return operations and return interventions, and assure return in a humane manner and with full respect for fundamental rights, in particular the principles of human dignity, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security and the right to the protection of personal data and non-discrimination.	<del>returnees</del> operations, which shall apply during all return operations and return interventions coordinated or organised by the Agency. That code of conduct shall describe common standardised procedures to simplify the organisation of return operations and return interventions, and assure return in a humane manner and with full respect for fundamental rights, in particular the principles of human dignity, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security and the right to the protection of personal data and non-discrimination.	
<b>1102</b>	3. The code of conduct for return shall in particular pay attention to the obligation of Member States to provide for an effective forced-return monitoring system as set out in Article 8(6) of Directive 2008/115/EC and to the fundamental rights strategy.	3. The code of conduct for return shall in particular pay attention to the obligation of Member States to provide for an effective forced-return monitoring system as set out in Article 8(6) of Directive 2008/115/EC and to the fundamental rights strategy.	3. The code of conduct for return shall in particular pay attention to the obligation of Member States to provide for an effective forced-return monitoring system as set out in Article 8(6) of Directive 2008/115/EC and to the fundamental rights strategy.	
<b>1103</b>	Article 83		Article 83	These are COM proposals for the entire Art. 83
<b>1104</b>	Tasks and powers of the members of the teams	Tasks and powers of the members of the teams	Tasks and powers of the members of the teams	Tasks and powers of the members of the teams

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1105	1. Members of the teams deployed from the European Border and Coast Guard standing corps shall have the capacity to perform all tasks and exercise all powers for border control and return as well as those which are necessary for the realisation of the objectives of Regulation (EU) 2016/399 and Directive 2008/115/EC.	1. Members of the teams deployed from the European Border and Coast Guard standing corps shall have the capacity to perform all tasks and exercise all powers for border control and return as well as those which are necessary for the realisation of the objectives of <del>Regulation</del> <b>Regulations (EU) No 656/2014 and</b> (EU) 2016/399, <b>as well as</b> Directive 2008/115/EC.	1. Members of the teams deployed from the European Border and Coast Guard standing corps shall have the capacity to perform <del>all</del> -tasks and exercise <del>all</del> -powers for border control and return as well as those which are necessary for the realisation of the objectives of Regulation (EU) 2016/399 and Directive 2008/115/EC.	1. Members of the teams deployed from the European Border and Coast Guard standing corps shall have the capacity to perform all tasks and exercise all powers for border control and return as well as those which are necessary for the realisation of the objectives of <del>Regulation</del> <b>Regulations (EU) No 656/2014 and</b> (EU) 2016/399, <b>as well as</b> Directive 2008/115/EC.
1106			1a. <u>The performance of the tasks and the exercise of powers, in particular those requiring executive powers, shall be subject to the authorisation of the host Member State on its territory as well as to applicable Union, national or international law, in particular Regulation (EU) 2014/656, as described in the operational plan referred to in Article 39.</u>	<b>1a. <i>The performance of the tasks and the exercise of powers, in particular those requiring executive powers, shall be subject to the authorisation of the host Member State on its territory as well as to applicable Union, national or international law, in particular Regulation (EU) 2014/656, as described in the operational plan referred to in Article 39.</i></b>
1107	2. While performing their tasks and exercising their powers, members of the teams shall comply with Union and international law and shall observe fundamental rights and the national law of the host Member State.	2. While performing their tasks and exercising their powers, members of the teams shall comply with Union and international law and shall <del>observe</del> <b>ensure at all times the respect of</b> fundamental rights and <b>observe</b> the national law of the host Member State.	2. While performing their tasks and exercising their powers, members of the teams shall comply with Union and international law <del>and shall observe</del> <b>as well as with the</b> fundamental rights and the national law of the host Member State.	2. While performing their tasks and exercising their powers, members of the teams shall comply with Union and international law and shall <del>observe</del> <b>ensure at all times the respect of</b> fundamental rights and <b>observe</b> the national law of the host Member State.

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<b>1108</b>	3. Without prejudice to Article 94(1) as regards statutory staff of the Agency, members of the teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State. The host Member State may authorise members of the teams to act on its behalf.	3. Without prejudice to Article 94(1) as regards statutory staff of the Agency, members of the teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State. The host Member State may authorise members of the teams to act on its behalf.	3. Without prejudice to Article 94(1) as regards statutory staff of the Agency, members of the teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State. The host Member State may authorise members of the teams to act on its behalf.	3. Without prejudice to Article 94(1) as regards statutory staff of the Agency, members of the teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State. The host Member State may authorise members of the teams to act on its behalf.
<b>1109</b>		<i>3a. When establishing an operational plan, the host Member State may limit the executive powers of the members of the teams in accordance with national law or operating procedures during operations. The specific executive powers which the members of the teams may exercise shall be presented in an operational plan as provided for in Article 39.</i>		
<b>1110</b>			<u>3a. The host Member State may report to the Agency via the coordination officer incidents related to non-compliance with the operational plan by a team member, for possible follow-up including disciplinary measures.</u>	<i>3a. The host Member State may report to the Agency via the coordination officer incidents related to non-compliance with the operational plan by a team member, for possible follow-up including disciplinary measures.</i>

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1111	<p>4. Members of the teams deployed from the Agency’s statutory operational staff or deployed following secondment for a long-term duration to the Agency by the Member States shall wear, where appropriate, the uniform of the European Border and Coast Guard standing corps while performing their tasks and exercising their powers. Members of the teams deployed from Member States for a short duration shall wear, where appropriate, their own uniform while performing their tasks and exercising their powers.</p>	<p>4. Members of the teams deployed from the Agency’s statutory operational staff or deployed following secondment for a long-term duration to the Agency by the Member States shall wear, where appropriate, the uniform of the European Border and Coast Guard standing corps while performing their tasks and exercising their powers. Members of the teams deployed from Member States for a short duration shall wear, where appropriate, their own uniform while performing their tasks and exercising their powers.</p>	<p>4. Members of the teams deployed from the Agency’s statutory <del>operational staff or deployed following secondment for a long-term duration to the Agency by the Member States</del> shall wear, where appropriate, the uniform of the European Border and Coast Guard standing corps while performing their tasks and exercising their powers. Members of the teams <del>deployed</del> <u>seconded</u> from Member States for a <u>long duration or deployed for a short duration</u> shall wear, where appropriate, their own uniform while performing their tasks and exercising their powers.</p>	Uniform for CAT 2 To be discussed
1112	<p>All the members of the teams shall also wear visible personal identification and a blue armband with the insignias of the Union and of the Agency on their uniforms, identifying them as participating in a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention. For the purposes of identification vis-à-vis the national authorities of the host Member State, members of the teams</p>	<p>All the members of the teams shall also wear visible personal identification and a blue armband with the insignias of the Union and of the Agency on their uniforms, identifying them as participating in a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention. For the purposes of identification vis-à-vis the national authorities of the host Member State, members of the teams</p>	<p>All the members of the teams shall also wear visible personal identification and a blue armband with the insignias of the Union and of the Agency on their uniforms, identifying them as participating in a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention. For the purposes of identification vis-à-vis the national authorities of the host Member State, members of the teams</p>	<p>All the members of the teams shall also wear visible personal identification and a blue armband with the insignias of the Union and of the Agency on their uniforms, identifying them as participating in a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention. For the purposes of identification vis-à-vis the national authorities of the host Member State, members of the teams</p>



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	shall at all times carry an accreditation document, which they shall present upon request.	shall at all times carry an accreditation document, which they shall present upon request.	shall at all times carry an accreditation document, which they shall present upon request.	shall at all times carry an accreditation document, which they shall present upon request.
1113	The design and specifications for uniforms of the European Border and Coast guards standing corps shall be established by a Commission implementing decision adopted in accordance with the examination procedure referred to in Article 117(3).	The design and specifications for uniforms of the European Border and Coast guards standing corps shall be established by a Commission implementing decision adopted in accordance with the examination procedure referred to in Article 117(3).	The design and specifications for uniforms of the European Border and Coast guards standing corps shall be established by a <u>decision of the Management Board</u> <del>Commission implementing decision adopted in accordance with the examination procedure referred to in Article 117(3).</del>	Decision making To be discussed
1114	5. While performing their tasks and exercising their powers, members of the teams may carry service weapons, ammunition and equipment.	5. While performing their tasks and exercising their powers, members of the teams may carry service weapons, ammunition and equipment.	5. <del>While performing their tasks and exercising their powers, members of the teams may carry service weapons, ammunition and equipment.</del>	5. <del>While performing their tasks and exercising their powers, members of the teams may carry service weapons, ammunition and equipment.</del>
1115	For staff seconded to the Agency, whether for a short or long-term duration, the carrying and use of service weapons, ammunition and equipment shall be subject to the home Member State's national law.	For staff seconded to the Agency, whether for a short or long-term duration, the carrying and use of service weapons, ammunition and equipment shall be subject to the home Member State's national law.	For staff seconded to the Agency, <del>whether</del> or deployed from a Member State for a short <del>or long</del> -term duration, the <u>ability to carrying</u> and use <del>of</del> service weapons, ammunition and equipment shall be subject to the home Member State's national law.	For staff seconded to the Agency, <del>whether or deployed from a Member State</del> for a short <del>or long</del> -term duration, the <u>ability to carrying</u> and use <del>of</del> service weapons, ammunition and equipment shall be subject to the home Member State's national law.
1116	The carrying and use of service weapons, ammunition and equipment by the Agency's statutory operational staff shall be subject to the framework and detailed rules laid down in Annex V.	The carrying and use of service weapons, ammunition and equipment by the Agency's statutory operational staff shall be subject to the framework and detailed rules laid down in Annex V.	The <u>ability to carrying</u> and use <del>of</del> service weapons, ammunition and equipment by the Agency's statutory <del>operational</del> staff shall be subject to the framework and detailed rules laid down in Annex V.	The <u>ability to carrying</u> and use <del>of</del> service weapons, ammunition and equipment by the Agency's statutory <del>operational</del> staff shall be subject to the framework and detailed rules laid down <u>in this Article</u> and Annex V.

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1117			For the purpose of implementing this paragraph, the executive director may entitle members of the statutory staff to carry and use weapons in accordance with the rules adopted by the Management Board, including on the mandatory cooperation with the competent national authorities in particular of the Member State of nationality, the Member State of residence, and the Member State of the initial training.	<i>For the purpose of implementing this paragraph, the executive director may entitle members of the statutory staff to carry and use weapons in accordance with the rules adopted by the Management Board, including on the mandatory cooperation with the competent national authorities in particular of the Member State of nationality, the Member State of residence, and the Member State of the initial training.</i>
1118	However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.	However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.	<del>However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.</del>	<del><i>However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.</i></del>
1119	6. While performing their tasks and exercising their powers, members of the teams shall be authorised to use	6. While performing their tasks and exercising their powers, members of the teams shall <i>may</i> be	6. <del>While</del> The performanceing of <u>their tasks and exercising their powers</u> , by members of the teams,	6. <del>While</del> The performanceing of <u>their tasks and exercising their powers</u> , by members of the teams,

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	<p>force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State or, for the Agency's staff with the consent of the Agency, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State. The host Member State may, with the consent of the home Member State or the Agency where appropriate authorise members of the teams to use force in the absence of border guards of the host Member State.</p>	<p>authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State or, for the Agency's staff with the consent of the Agency <b>and the host Member State</b>, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State. The host Member State may, with the consent of the home Member State or the Agency where appropriate authorise members of the teams to use force in the absence of border guards of the host Member State.</p>	<p><u>including members of the statutory staff, during the deployment requiring shall be authorised to the use of force, including carrying and use of service weapons, ammunition and equipment, with the consent of shall be authorised by the homehost Member State and be subject to the consent of either the home Member State or, for statutory staff, of the Agency. The use of force, including carrying and use of service weapons, ammunition and equipment shall be exercised in accordance with the national law of the host Member State and in the presence of border guards of the host Member State. and the host Member State or, for the Agency's staff with the consent of the Agency, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State.</u> The host Member State may, with the consent of the home Member State or the Agency where appropriate authorise members of the teams to use force <u>on its territory</u> in the absence of border guards of the host Member State.</p>	<p><i>including members of the statutory staff, during the deployment requiring shall be authorised to the use of force, including carrying and use of service weapons, ammunition and equipment, <del>with the consent of shall be authorised for the relevant profiles</del> by the <del>homehost</del> Member State and be subject to the consent of either the home Member State or, for statutory staff, of the Agency. The use of force, including carrying and use of service weapons, ammunition and equipment shall be exercised in accordance with the national law of the host Member State and in the presence of border guards of the host Member State. <del>and the host Member State or, for the Agency's staff with the consent of the Agency, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State.</del> The host Member State may, with the consent of the home Member State or the Agency where appropriate authorise members of the teams to use force <u>on its territory</u> in the absence of border guards of the host Member State.</i></p>

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1120			<u>The host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.</u>	<i>The host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.</i>
1121	7. Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons in accordance with the national law of the host Member State.	7. Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons in accordance with the national law of the host Member State, <i>as well as with international human rights law and the Charter of Fundamental Rights.</i>	7. Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons in accordance with the national law of the host Member State.	7. Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons in accordance with the national law of the host Member State <i>as well as with applicable international law.</i>
1122	8. For the purpose of this Regulation, the host Member State shall authorise members of the teams to consult European databases the consultation of which is necessary for fulfilling operational aims specified in the	8. For the purpose of this Regulation, the host Member State shall authorise members of the teams to consult European databases the consultation of which is necessary for fulfilling operational aims specified	8. For the purpose of this Regulation, the host Member State shall authorise members of the teams to consult European databases <u>and systems</u> the consultation of which is necessary for fulfilling operational	8. For the purpose of this Regulation, the host Member State shall authorise members of the teams to consult European databases the consultation of which is necessary for fulfilling operational aims specified in

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	operational plan on border checks, border surveillance and return. The host Member State may also authorise them to consult its national databases where necessary for the same purpose. Member States shall ensure that they provide such database access in an efficient and effective manner. The members of the teams shall consult only those data which are required for performing their tasks and exercising their powers. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.	in the operational plan on border checks, border surveillance and return <i>in accordance with the legislative instruments establishing such databases</i> . The host Member State may also authorise them to consult its national databases where necessary for the same purpose. Member States shall ensure that they provide such database access in an efficient and effective manner. The members of the teams shall consult only those data which are <del>required</del> <i>strictly necessary</i> for performing their tasks and exercising their powers. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.	aims specified in the operational plan on border checks, border surveillance and return. The host Member State may also authorise them to consult its national databases where necessary for the same purpose. Member States shall ensure that they provide such database access in an efficient and effective manner. The members of the teams shall consult only those data which are required for performing their tasks and exercising their powers. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.	the operational plan on border checks, border surveillance and return <b>and when appropriate</b> <i>in accordance with the legislative instruments establishing such databases</i> . The host Member State may also authorise them to consult its national databases where necessary for the same purpose. Member States shall ensure that they provide such database access in an efficient and effective manner. The members of the teams shall consult only those data which are <del>required</del> <i>strictly necessary</i> for performing their tasks and exercising their powers. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.
1123		<i>The host Member State's authorities shall be the data controllers for the processing of any personal data collected or processed by members of the teams while performing their tasks and exercising their powers.</i>		<i>The host Member State's authorities shall be the data controllers for the processing of any personal data collected or processed by members of the teams while performing their tasks and exercising their powers.</i>

	Commission proposal	EP amendments	Council position	Compromise text proposals
1124	That consultation shall be carried out in accordance with Union data protection law and the national data protection law of the host Member State.	That consultation shall be carried out in accordance with Union data protection law and the national data protection law of the host Member State.	That consultation shall be carried out in accordance with Union data protection law and the national data protection law of the host Member State.	That consultation shall be carried out in accordance with Union data protection law and the national data protection law of the host Member State.
1125	9. Decisions to refuse entry in accordance with Article 14 of Regulation (EU) 2016/399 shall be taken only by border guards of the host Member State or by the members of the teams if authorised by the host Member State to act on its behalf.	9. Decisions to refuse entry in accordance with Article 14 of Regulation (EU) 2016/399 shall be taken only by border guards of the host Member State or by the members of the teams if authorised by the host Member State to act on its behalf.	9. Decisions to refuse entry in accordance with Article 14 of Regulation (EU) 2016/399 <u>and decisions refusing visas at the border in accordance with Article 35 of the Visa Code Regulation (EC) 810/2009</u> shall be taken only by border guards of the host Member State or by the members of the teams if authorised by the host Member State to act on its behalf.	9. Decisions to refuse entry in accordance with Article 14 of Regulation (EU) 2016/399 <b><i>and decisions refusing visas at the border in accordance with Article 35 of the Visa Code Regulation (EC) 810/2009</i></b> shall be taken only by border guards of the host Member State or by the members of the teams if authorised by the host Member State to act on its behalf.
1126	Article 84		Article 84	
1127	Accreditation document	Accreditation document	Accreditation document	
1128	1. The Agency shall, in cooperation with the host Member State, issue a document in the official language of the host Member State and another official language of the institutions of the Union to the members of the teams for the purpose of identifying them and as proof of the holder's rights to perform tasks and exercise powers as referred to in Article 83. The document shall include the	1. The Agency shall, in cooperation with the host Member State, issue a document in the official language of the host Member State and another official language of the institutions of the Union to the members of the teams for the purpose of identifying them and as proof of the holder's rights to perform tasks and exercise powers as referred to in Article 83. The document shall include the	1. The Agency shall, in cooperation with the host Member State, issue a document in the official language of the host Member State and another official language of the institutions of the Union to the members of the teams for the purpose of identifying them and as proof of the holder's rights to perform tasks and exercise powers as referred to in Article 83. The document shall	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	following features of each member of the teams:	following features of each member of the teams:	include the following features of each member of the teams:	
<b>1129</b>	(a) name and nationality;	(a) name and nationality;	(a) name and nationality;	
<b>1130</b>	(b) rank or job title;	(b) rank or job title;	(b) rank or job title;	
<b>1131</b>	(c) a recent digitised photograph; and	(c) a recent digitised photograph; and	(c) a recent digitised photograph; and	§
<b>1132</b>	(d) tasks authorised to be performed during the deployment.	(d) tasks authorised to be performed during the deployment.	(d) tasks authorised to be performed during the deployment.	
<b>1133</b>	2. The document shall be returned to the Agency at the end of a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention.	2. The document shall be returned to the Agency at the end of a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention.	2. The document shall be returned to the Agency at the end of a joint operation, migration management support team deployment, pilot project, rapid border intervention, return operation or return intervention.	
<b>1134</b>	Article 85		Article 85	
<b>1135</b>	Civil liability	Civil liability	Civil liability	
<b>1136</b>	1. Without prejudice to Article 94, where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.	1. Without prejudice to Article 94 <i>and 96(-1) and (-1a)</i> , where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.	1. Without prejudice to Article 94, where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1137	2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the home Member State. Likewise if the damage is caused by gross negligence or wilful misconduct by the staff of the Agency, the host Member State may approach the Agency in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the Agency.	2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the home Member State. Likewise if the damage is caused by gross negligence or wilful misconduct by the staff of the Agency, the host Member State may approach the Agency in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the Agency.	2. Where such damage is caused by gross negligence or wilful misconduct <u>of the team members seconded or deployed by the Member States</u> , the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the home Member State. Likewise if the damage is caused by gross negligence or wilful misconduct by the <u>statutory</u> staff of the Agency, the host Member State may approach the Agency in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the Agency.	
1138	3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.	3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.	3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.	
1139	4. Any dispute between Member States relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations between them shall be	4. Any dispute between Member States relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations between them shall be	4. Any dispute between <u>Member States, or between a Member State and the Agency</u> , relating to the application of paragraphs 2 and 3 of this Article	



	Commission proposal	EP amendments	Council position	Compromise text proposals
	submitted by them to the Court of Justice of the European Union in accordance with Article 273 TFEU.	submitted by them to the Court of Justice of the European Union in accordance with Article 273 TFEU.	which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with Article 273 TFEU.	
1140	5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs related to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.	5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs related to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.	5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs related to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.	
1141	Article 86		Article 86	
1142	Criminal liability	Criminal liability	Criminal liability	
1143	Without prejudice to Article 94 during a joint operation, pilot project, migration management support team deployment, rapid border intervention, return operation or return intervention, members of the teams shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.	<del>Without prejudice to Article 94</del> During a joint operation, pilot project, migration management support team deployment, rapid border intervention, return operation or return intervention, members of the teams, <b>including the Agency's statutory staff</b> , shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.	Without prejudice to Article 94 during a joint operation, pilot project, migration management support team deployment, rapid border intervention, return operation or return intervention, members of the teams shall be treated <u>in the territory of the host Member State</u> in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.	
1144	Section 2		Section 2	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1145	processing of personal data by the agency		processing of personal data by the <u>EBCG agency</u>	processing of personal data by the <u>EBCG</u>
1146	Article 87		Article 87	Article 87
1147	General rules on processing of personal data by the Agency	General rules on processing of personal data by the Agency	General rules on processing of personal data by the Agency	General rules on processing of personal data by the Agency
1148	1. The Agency shall apply [Regulation (EC) No 45/2001] when processing personal data.	1. The Agency shall apply <del>{Regulation (EC) No 45/2001}</del> <b>(EU) 2018/1725</b> when processing personal data.	1. The Agency shall apply <del>{Regulation (EC) No 45/2001}</del> <u>Regulation (EU) 2018/1725</u> when processing personal data.	1. The Agency shall apply <del>{Regulation (EC) No 45/2001}</del> <b>(EU) 2018/1725</b> when processing personal data.
1149	2. The management board shall take the necessary administrative measures to apply [Regulation (EC) No 45/2001] by the Agency, including those concerning the data protection officer of the Agency.	2. The management board shall take the necessary <del>administrative</del> <b>implementing</b> measures to apply <del>{Regulation (EC) No 45/2001}</del> <b>(EU) 2018/1725</b> by the Agency, <b>as well as implementing measures</b> including <del>those</del> concerning the data protection officer of the Agency, <b>in particular with a view to enable him or her to perform his or her tasks, duties and powers.</b>	2. The management board shall <del>take the necessary administrative measures to apply</del> <u>Regulation (EC) No 45/2001</u> adopt internal rules on the application of Regulation (EU) 2018/1725 by the Agency, including <del>those</del> concerning the data protection officer of the Agency.	2. The management board shall <del>take the necessary administrative measures to apply</del> <u>Regulation (EC) No 45/2001</u> adopt internal rules on the application of Regulation (EU) 2018/1725 by the Agency, including <del>those</del> concerning the data protection officer of the Agency.
1150			<u>In order to ensure the effectiveness and flexibility of the Agency's tasks, the Agency shall where necessary, in accordance with Article 25 of Regulation (EU) 2018/1725, adopt internal rules on restricting the application of the rights under Articles 14 to 22, 35 and 36 of Regulation (EU) No 2018/1725.</u>	<u>The Agency shall, where necessary, in accordance with Article 25 of Regulation (EU) 2018/1725, adopt internal rules on restricting the application of the rights under Articles 14 to 22, 35 and 36 of Regulation (EU) No 2018/1725. <b>Such restrictions shall respect the essence of the right to protection of</b></u>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				<b><u>personal data and the right to private and family life and be necessary and proportionate to the objective pursued, taking into account the risks to those rights of the person concerned.</u></b>
1151	<p>3. The Agency may transfer personal data to an authority of a third country or to an international organisation in accordance with the provisions of [Regulation (EC No 45/2001)] insofar as such transfer is necessary for the performance of the Agency's tasks in the area of return activities. Where in the framework of organising return operations the personal data of returnees are not transmitted to the carrier by a Member State, the Agency may also transfer such data under the same conditions. In application of [Article 25(1)(c)] of [Regulation (EC) No 45/2001], [Article 19] thereof shall not apply to the processing of data for the purpose of return by the Agency, for as long as the third country national is not returned. The Agency may provide for internal rules on restricting the application of the rights under [Articles 17 and 18] of [Regulation (EC) No 45/2011] on a case by case</p>	<p>3. The Agency may transfer personal data to an authority of a third country or to an international organisation in accordance with the provisions of [Regulation (EC No 45/2001)] insofar as such transfer is necessary for the performance of the Agency's tasks in the area of return activities. Where in the framework of organising return operations the personal data of returnees are not transmitted to the carrier by a Member State, the Agency may also transfer such data under the same conditions. In application of <b>accordance with</b> [Article 25(1)(c)] <b>of</b> [Regulation (EC) No 45/2001], [Article 19] thereof shall not apply to the processing of data for the purpose of return by the Agency, for as long as the third country national is not returned. (EU) 2018/1725, the Agency may provide for internal rules on restricting the application of the rights under [Articles 17 and 18]</p>	<p>3. Subject to the provisions of Article 88(3), <del>the Agency may transfer personal data to an authority of a third country or to an international organisation in accordance with the provisions of [Regulation (EU) No 2018/1725. (EC No 45/2001)] insofar as such transfer is necessary for the performance of the Agency's tasks in the area of return activities. Where in the framework of organising return operations the personal data of returnees are not transmitted to the carrier by a Member State, the Agency may also transfer such data under the same conditions. In application of [Article 25(1)(c)] of [Regulation (EC) No 45/2001], [Article 19] thereof shall not apply to the processing of data for the purpose of return by the Agency, for as long as the third country national is not returned. The Agency may provide for internal rules on restricting the</del></p>	<p>3. Subject to the provisions of Article 88(3), <del>the Agency may transfer personal data to an authority of a third country or to an international organisation in accordance with the provisions of Chapter V of [Regulation (EU) No 2018/1725. (EC No 45/2001)] insofar as such transfer is necessary for the performance of the Agency's tasks in the area of return activities. Where in the framework of organising return operations the personal data of returnees are not transmitted to the carrier by a Member State, the Agency may also transfer such data under the same conditions. In application of [Article 25(1)(c)] of [Regulation (EC) No 45/2001], [Article 19] thereof shall not apply to the processing of data for the purpose of return by the Agency, for as long as the third country national is not returned. The Agency may provide for internal rules on restricting the</del></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
	basis as long as the exercise of such right would risk to jeopardise the return procedure.	of <i>that</i> [Regulation (EC) No 45/2011] on a case by case basis as long as the exercise of such right would risk to jeopardise the return procedure. <i>Such restrictions shall respect the essence of the right to protection of personal data and the right to private and family life and be necessary and proportionate to the objective pursued, taking into account the risks to those rights of the person concerned.</i>	<del>application of the rights under [Articles 17 and 18] of [Regulation (EC) No 45/2011] on a case by case basis as long as the exercise of such right would risk to jeopardise the return procedure.</del>	<del>application of the rights under [Articles 17 and 18] of [Regulation (EC) No 45/2011] on a case by case basis as long as the exercise of such right would risk to jeopardise the return procedure.</del>
1152		<i>3 a. Any exchange of information which provides a third country with information that could be used to identify persons or groups of persons whose request for access to is or has been under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited. The Agency shall not disclose the fact that a person has lodged an application for international protection to a third country.</i>		
1153		<i>3 b. Onward transmission or other communication of information exchanged under this</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>Regulation to other third countries or to third parties shall be prohibited.</i>		
1154		<b>ARTICLE 87 a (new)</b>		
1155		<i>Sources of personal data and ownership of data</i>		
1156		<i>1. The Agency may process personal data relevant to its tasks as provided in this Regulation obtained from:</i>		
1157		<i>(a) Member States;</i>		
1158		<i>(b) staff of the Agency;</i>		
1159		<i>(c) European Border and Coast Guard standing corps;</i>		
1160		<i>(d) other Union bodies, agencies and offices in particular those referred to in Article 69(1);</i>		
1161		<i>(e) third countries or international organisations;</i>		
1162		<i>(f) open sources;</i>		
1163		<i>(g) CSDP missions provided that <del>this</del> the processing by the Agency is done in accordance with Regulation (EU) 2018/1725.</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
1164		<i>2. The party providing the personal data retains the ownership of that data as well as the responsibilities related to data accuracy. When personal data is provided by the sources referred to in points (b), (e) and (f) of paragraph 1 the responsibility lies with the Agency.</i>		
1165		<i>3. Information from open sources shall be assessed by the Agency in accordance with the following principles:</i>		
1166		<i>(a) the reliability of the source of information shall be assessed using the following source evaluation codes:</i>		
1167		<i>(A): where there is no doubt as to the authenticity, trustworthiness and competence of the source, or if the information is provided by a source which has proved to be reliable in all instances;</i>		
1168		<i>(B): where the information is provided by a source which has in most instances proved to be reliable;</i>		
1169		<i>(C): where the information is provided by a source which has in</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>most instances proved to be unreliable;</i>		
1170		<i>(X): where the reliability of the source cannot be assessed;</i>		
1171		<i>(b) the accuracy of information shall be assessed using the following information evaluation codes:</i>		
1172		<i>(1): information the accuracy of which is not in doubt;</i>		
1173		<i>(2): information known personally to the source but not known personally to the official passing it on;</i>		
1174		<i>(3): information not known personally to the source but corroborated by other information already recorded;</i>		
1175		<i>(4): information not known personally to the source and which cannot be corroborated.</i>		
1176	Article 88		Article 88	Article 88
1177	Purposes of processing of personal data	Purposes of processing of personal data	Purposes of processing of personal data	Purposes of processing of personal data
1178	1. The Agency may process personal data only for the following purposes:	1. The Agency may process personal data only <i>where strictly necessary</i> for the following purposes:	1. The Agency may process personal data only for the following purposes:	1. The Agency may process personal data only for the following purposes:

	Commission proposal	EP amendments	Council position	Compromise text proposals
1179	(a) performing its tasks of organising and coordinating joint operations, pilot projects, rapid border interventions and in the framework of the migration management support teams in accordance with;	(a) performing its tasks of <del>organising and coordinating</del> <b>related to</b> joint operations, pilot projects, rapid border interventions and in the framework of the migration management support teams <b>as provided for in this Regulation</b> <del>in accordance with</del> ;	(a) performing its tasks of organising and coordinating joint operations, pilot projects, rapid border interventions and in the framework of the migration management support teams in accordance with <u>Articles 38 to 41</u> ;	(a) performing its tasks of organising and coordinating joint operations, pilot projects, rapid border interventions and in the framework of the migration management support teams in accordance with <u>Articles 38 to 41</u> ;
1180	(b) performing its tasks of supporting Member States and third countries in pre-return and return activities, operating return management systems, as well as coordinating or organising return operations and providing technical and operational assistance to Member States and third countries in accordance with Article 49;	(b) performing its tasks of supporting Member States and third countries in pre-return and return activities, operating return management systems, as well as coordinating or organising return operations and providing technical and operational assistance to Member States and third countries in accordance with Article 49;	(b) performing its tasks of supporting Member States and third countries in pre-return and return activities, operating return management systems, as well as coordinating or organising return operations and providing technical and operational assistance to Member States and third countries <del>in accordance with</del> <u>as referred to Article 49</u> ;	(b) performing its tasks of supporting Member States and third countries in pre-return and return activities, operating return management systems, as well as coordinating or organising return operations and providing technical and operational assistance to Member States and third countries <del>in accordance with</del> <u>as referred to Article 49</u> ;
1181	(c) facilitating the exchange of information with Member States, EASO, Europol or Eurojust in accordance with Article 89;	(c) facilitating the exchange of information with Member States, <b>EASO [the European Union Agency for Asylum]</b> , Europol or Eurojust in accordance with Article 89;	(c) facilitating the exchange of information with Member States, <u>the Commission, the EEAS and the following Union Agencies and international organisations, EASO, Europol or Eurojust-European Union Satellite Centre, EMSA, EFCA, European Aviation Safety Agency and the Network Manager for ATM network functions</u> , in accordance with Article 89;	(c) facilitating the exchange of information with Member States, <u>the Commission, the EEAS and the following Union Agencies and international organisations, EASO, Europol or Eurojust-European Union Satellite Centre, EMSA, EFCA, European Aviation Safety Agency and the Network Manager for ATM network functions</u> , in accordance with Article 89;



	Commission proposal	EP amendments	Council position	Compromise text proposals
1182			(d) <u>facilitating the exchange of information with the Member States law enforcement authorities, Europol or Eurojust in accordance with Article 90a;</u>	(d) <u>facilitating the exchange of information with the Member States law enforcement authorities, Europol or Eurojust in accordance with Article 90a;</u>
1183	(d) risk analysis by the Agency in accordance with Article 30;	(d) risk analysis by the Agency in accordance with Article 30;	(e) <del>(d)</del> risk analysis by the Agency in accordance with Article 30;	(e) <del>(d)</del> risk analysis by the Agency in accordance with Article 30;
1184	(e) identifying and tracking vessels in the framework of EUROSUR in accordance with Article 90;	(e) identifying and tracking vessels in the framework of EUROSUR in accordance with Article 90;	(f) <del>(e) identifying and tracking vessels</del> <u>processing of personal data in the framework of EUROSUR in accordance with Article 90;</u>	(f) <del>(e) identifying and tracking vessels</del> <u>processing of personal data in the framework of EUROSUR in accordance with Article 90;</u>
1185			(g) <u>processing of personal data in FADO</u>	(g) <u>processing of personal data in FADO</u>
1186	(f) administrative tasks.	(f) administrative tasks.	(h) <del>(f)</del> administrative tasks.	(h) <del>(f)</del> administrative tasks.
1187	2. A Member State or other Union agency providing personal data to the Agency shall determine the purpose or the purposes for which those data shall be processed as referred to in paragraph 1. The Agency may process such personal data for a different purpose which also falls under paragraph 1 only if authorised by the provider of the personal data	2. A Member State or other Union agency providing personal data to the Agency shall determine the purpose or the purposes for which those data shall be processed as referred to in paragraph 1. The Agency may process such personal data for a different purpose which also falls under paragraph 1 only if authorised by the provider of the personal data <b><i>and only after having assessed that the change in purpose for such processing complies with the data protection principles of</i></b>	2. A Member State or other Union agency providing personal data to the Agency shall determine the purpose or the purposes for which those data shall be processed as referred to in paragraph 1. The Agency may <del>decide to</del> process such personal data for a different purpose which also falls under paragraph 1 <u>only if on a case by case basis where it is compatible with the initial purpose and</u> authorised by the provider of the personal data. <u>The</u>	2. A Member State or other Union agency providing personal data to the Agency shall determine the purpose or the purposes for which those data shall be processed as referred to in paragraph 1. The Agency may <u>decide to</u> process such personal data for a different purpose which also falls under paragraph 1 <u>only if on a case by case basis where it is compatible with the initial purpose and</u> authorised by the provider of the personal data. <u>The Agency shall keep written records of such decisions.</u>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>necessity and proportionality. The Agency shall keep written records of a case-by-case compatibility assessment when processing personal data under this paragraph.</i>	<u>Agency shall keep written records of such decisions.</u>	
1188	3. Member States and other Union agencies may indicate, at the moment of transmitting personal data, any restrictions on access to those data or use of them, in general or specific terms, including as regards their transfer, erasure or destruction. Where the need for such restrictions becomes apparent after the transfer of personal data, they shall inform the Agency accordingly. The Agency shall comply with such restrictions	3. Member States and other Union agencies may indicate, at the moment of transmitting personal data, any restrictions on access to those data or use of them, in general or specific terms, including as regards their transfer, erasure or destruction. Where the need for such restrictions becomes apparent after the transfer of personal data, they shall inform the Agency accordingly. The Agency shall comply with such restrictions	3. Member States and other Union agencies may indicate, at the moment of transmitting personal data, any restrictions on access to those data or use of them, in general or specific terms, including as regards their transfer, erasure or destruction. Where the need for such restrictions becomes apparent after the transfer of personal data, they shall inform the Agency accordingly. The Agency shall comply with such restrictions	3. <b>The Agency</b> , the Member States and other Union agencies may indicate, at the moment of transmitting personal data, any restrictions on access to those data or use of them, in general or specific terms, including as regards their transfer, erasure or destruction. Where the need for such restrictions becomes apparent after the transfer of personal data, they shall inform the <b>Agency recipients</b> accordingly. The <b>Agency recipients</b> shall comply with such restrictions
1189		<i>3a. In duly justified cases, the Agency through the implementing measures adopted in accordance with Article 87(2) may assign restrictions of use by Member States, Union bodies, third countries and international organisations of information and personal data retrieved from open sources.</i>		
1190	Article 89		Article 89	Article 89

	Commission proposal	EP amendments	Council position	Compromise text proposals
1191	Processing of personal data collected during joint operations, pilot projects and rapid border interventions and by migration management support teams	Processing of personal data collected during joint operations, pilot projects and rapid border interventions and by migration management support teams	Processing of personal data collected during joint operations, <u>return operations</u> , pilot projects and rapid border interventions and by migration management support teams	Processing of personal data collected during joint operations, <u>return operations</u> , pilot projects and rapid border interventions and by migration management support teams
1192			1. <u>The Agency and the Member State hosting joint operation, return operation, pilot project, rapid border intervention or migration management support teams shall determine the responsibilities for compliance with the data protection obligations by means of an arrangement between them which shall be included in the operational plan.</u>	1. <b>For each joint operation, return operation, pilot project, rapid border intervention or migration management support team, the Agency and the host Member State shall identify who is responsible for compliance with the data protection obligations through an arrangement between them which shall be included in the operational plan, rolling plan or another legally binding document.</b>
1193	1. The Agency shall only process the following categories of personal data collected and transmitted to it by the Member States, by its staff or by EASO, Europol or Eurojust in the context of joint operations, pilot projects and rapid border interventions, and by migration management support teams:	1. The Agency shall only process the following categories of personal data collected and transmitted to it by the Member States, by its staff, <b>by members of the European Border and Coast Guard standing corps</b> or by EASO <b>[the European Union Agency for Asylum]</b> , Europol or Eurojust in the context of joint operations, pilot projects and rapid border interventions, and by migration management support teams:	<del>1.</del> For the purposes referred to in Article 88 (1) a) b) c) and e), f) <del>the</del> Agency shall only process the following categories of personal data collected and transmitted to it by the Member States, by its staff or by EASO, <del>Europol or Eurojust</del> in the context of joint operations, <u>return operations</u> , pilot projects and rapid border interventions, and by migration management support teams:	<del>1.</del> For the purposes referred to in Article 88 (1) a) b) c) and e), f) <del>the</del> Agency shall only process the following categories of personal data collected <del>and transmitted to it</del> by the Member States, <b>by the members of the teams</b> , by its staff or by EASO, <del>Europol or Eurojust</del> and <b>transmitted to it</b> in the context of joint operations, <u>return operations</u> , pilot projects and rapid border interventions, and by migration management support teams:

	Commission proposal	EP amendments	Council position	Compromise text proposals
1194	(a) personal data of persons who are suspected, on reasonable grounds, by the competent authorities of the Member States and EASO, Europol or Eurojust, of involvement in cross-border crime, such as migrant smuggling, trafficking in human beings or terrorism;	(a) personal data of persons who are suspected, on reasonable grounds, by the competent authorities of the Member States and <del>EASO</del> <i>[the European Union Agency for Asylum]</i> , Europol or Eurojust, of involvement in cross-border crime, <del>such as migrant smuggling, trafficking in human beings or terrorism;</del>	<del>(a) personal data of persons who are suspected, on reasonable grounds, by the competent authorities of the Member States and EASO, Europol or Eurojust, of involvement in cross-border crime, such as migrant smuggling, trafficking in human beings or terrorism;</del>	
1195	(b) personal data of persons who cross the external borders without authorisation and whose data is collected by the Agency's teams, including when acting in the framework of the migration management support teams;	(b) personal data of persons who cross the external borders without authorisation and whose data is collected by the Agency's teams, including when acting in the framework of the migration management support teams;	<del>(a)-(b)</del> personal data of persons who cross the external borders without authorisation and whose data is collected by the Agency's teams, including when acting in the framework of the migration management support teams;	(b) personal data of persons who cross the external borders without authorisation and whose data is collected by the Agency's teams, including when acting in the framework of the migration management support teams;
1196	(c) license plate numbers, vehicle identification numbers, telephone numbers or ship identification numbers which are linked to the persons referred to in (a) and (b), and which are necessary for investigating and analysing routes and methods used for illegal immigration and cross-border crime.	(c) license plate numbers, vehicle identification numbers, telephone numbers or ship identification numbers which are linked to the persons referred to in (a) and (b), and which are necessary for investigating and analysing routes and methods used for illegal immigration and cross-border crime.	(c) license plate numbers, vehicle identification numbers, telephone numbers or ship <del>and aircraft</del> identification numbers which are linked to the persons referred to in (a) <del>and (b)</del> , and which are necessary for <del>investigating and</del> analysing routes and methods used for illegal immigration <del>and cross-border crime</del> .	(c) license plate numbers, vehicle identification numbers, telephone numbers or ship <del>and aircraft</del> identification numbers which are linked to the persons referred to in (a) <del>and (b)</del> , and which are necessary for <del>investigating and</del> analysing routes and methods used for illegal immigration <del>and cross-border crime</del> .
1197	2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:	2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:	2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:	2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:

	Commission proposal	EP amendments	Council position	Compromise text proposals
1198	(a) where exchange of information with EASO, Europol or Eurojust is necessary for use in accordance with their respective mandates and in accordance with Article 69;	(a) where exchange of information with EASO [ <i>the European Union Agency for Asylum</i> ], Europol or Eurojust is necessary for use in accordance with their respective mandates and in accordance with Article 69;	<del>(a) where exchange of information with EASO, Europol or Eurojust is necessary for use in accordance with their respective mandates and in accordance with Article 69;</del>	
1199	(b) where transmission to the authorities of the relevant Member States which are responsible for border control, migration, asylum, returns is necessary for fulfilling their tasks in accordance with Union and national legislation;	(b) where transmission to the authorities of the relevant Member States which are responsible for border control, migration, asylum, returns is necessary for fulfilling their tasks in accordance with Union and national legislation;	(a) <del>(b)</del> where transmission to the authorities of the relevant Member States which are responsible for border control, migration, asylum, returns <u>or to relevant EU agencies</u> is necessary for fulfilling their tasks in accordance with Union and national legislation;	(a) <del>(b)</del> where transmission to the authorities of the relevant Member States which are responsible for border control, migration, asylum, returns <u>or to relevant EU agencies</u> is necessary for fulfilling their tasks in accordance with Union and national legislation;
1200	(c) where transmission to the authorities of relevant Member States, third countries of return or international organisations is necessary for the purpose of identification of third country nationals, acquisition of travel documents, enabling or supporting return;	(c) where transmission to the authorities of relevant Member States, third countries of return or international organisations is necessary for the purpose of identification of third country nationals, acquisition of travel documents, enabling or supporting return;	(b) <del>(c)</del> where transmission to the authorities of relevant Member States, <u>relevant EU agencies</u> , third countries of return or international organisations is necessary for the purpose of identification of third country nationals, acquisition of travel documents, enabling or supporting return;	(b) <del>(c)</del> where transmission to the authorities of relevant Member States, <u>relevant EU agencies</u> , third countries of return or international organisations is necessary for the purpose of identification of third country nationals, acquisition of travel documents, enabling or supporting return;
1201	(d) where necessary for the preparation of risk analyses.	(d) where necessary for the preparation of risk analyses.	(c) <del>(d)</del> where necessary for the preparation of risk analyses.	(d) where necessary for the preparation of risk analyses.
1202	(e) in specific cases, where the Agency becomes aware that personal data processed in the fulfilment of its tasks is strictly necessary to law	(e) in specific cases, where the Agency becomes aware that <i>transmission of</i> personal data processed in the fulfilment of its	<del>(e) in specific cases, where the Agency becomes aware that personal data processed in the fulfilment of its tasks is strictly necessary to law</del>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	enforcement authorities for the purposes of preventing, detecting, investigating or prosecuting serious crime	tasks is strictly necessary to law enforcement authorities for the purposes of preventing, detecting, investigating or prosecuting serious crime	<del>enforcement authorities for the purposes of preventing, detecting, investigating or prosecuting serious cross border crime</del>	
1203	3. Personal data shall be deleted as soon as they have been transmitted to EASO, Europol or Eurojust or to the competent authorities of Member States or used for the preparation of risk analyses. The storage period shall, in any event, not exceed 90 days after the date of the collection of those data. In the results of risk analyses, data shall be anonymised. The provisions of this paragraph shall not apply to data processed for the purpose of performing return-related tasks.	3. Personal data shall be deleted as soon as they have been transmitted to <del>EASO</del> <i>[the European Union Agency for Asylum]</i> , Europol or Eurojust or to the competent authorities of Member States or used for the preparation of risk analyses. The storage period shall, in any event, not exceed 90 days after the date of the collection of those data. In the results of risk analyses, data shall be anonymised. The provisions of this paragraph shall not apply to data processed for the purpose of performing return-related tasks.	<del>3. Personal data shall be deleted as soon as they have been transmitted to EASO, Europol or Eurojust or to the competent authorities of Member States or used for the preparation of risk analyses. The storage period shall, in any event, not exceed 90 days after the date of the collection of those data. In the results of risk analyses, data shall be anonymised. The provisions of this paragraph shall not apply to data processed for the purpose of performing return related tasks.</del>	
1204		<i>3 a. Any exchange of information which provides a third country with information that could be used to identify persons or groups of persons whose request for access to international protection is under examination of who are under a serious risk of being subjected to torture, inhuman or degrading treatment or punishment or any</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>other violation of fundamental rights, shall be prohibited</i>		
<b>1205</b>	Article 90		Article 90	
<b>1206</b>	Processing of personal data in the framework of EUROSUR	Processing of personal data in the framework of EUROSUR	Processing of personal data in the framework of EUROSUR	Processing of personal data in the framework of EUROSUR
<b>1207</b>	1. Where the national situational picture requires the processing of personal data, those data shall be processed in accordance with the relevant Union and national provisions on data protection. Each Member State shall designate the authority which is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of data by that Member State. Each Member State shall notify the details of that authority to the Commission.	1. Where the national situational picture requires the processing of personal data, those data shall be processed in accordance with the relevant Union and national provisions on data protection. Each Member State shall designate the authority which is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of <b>personal</b> data by that Member State. Each Member State shall notify the details of that authority to the Commission.	1. Where the national situational picture requires the processing of personal data, those data shall be processed in accordance with <u>Regulation (EU) 2016/679 and Directive 2016/680, as applicable the relevant Union and national provisions on data protection</u> . Each Member State shall designate the authority which is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of data by that Member State. Each Member State shall notify the details of that authority to the Commission.	1. Where the national situational picture requires the processing of personal data, those data shall be processed in accordance with <u>Regulation (EU) 2016/679 and, where applicable, Directive 2016/680, the relevant Union and national provisions on data protection</u> . Each Member State shall designate the authority which is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 <b>or Article 3(8) of Directive 2016/680</b> and which shall have central responsibility for the processing of <b>personal</b> data by that Member State. Each Member State shall notify the details of that authority to the Commission.
<b>1208</b>	2. Ship and aircraft identification numbers are the only personal data that can be processed in the European	2. Ship and aircraft identification numbers are the only personal data that <del>can</del> <b>may</b> be	2. Ship and aircraft identification numbers are the only personal data that can be <u>accessed</u> <del>processed</del> in the European situational	2. Ship and aircraft identification numbers are the only personal data that <b>may</b> be <u>accessed</u> <del>processed</del> in the European situational and specific

	Commission proposal	EP amendments	Council position	Compromise text proposals
	situational and specific situational pictures.	processed in the European situational and specific situational pictures.	and specific situational pictures <u>and the Eurosur Fusion Services.</u>	situational pictures <u>and the Eurosur Fusion Services.</u>
<b>1209</b>			<u>2a. The processing of information in Euroosur may exceptionally require the processing of personal data other than ship and aircraft identification numbers. Any processing of such personal data in the framework of EUROSUR shall be strictly limited to what is necessary for the purposes of EUROSUR in accordance with Article 18.</u>	<u>2a. The processing of information in Eurosur may exceptionally require the processing of personal data other than ship and aircraft identification numbers. Any processing of such personal data in the framework of EUROSUR shall be strictly limited to what is necessary for the purposes of EUROSUR in accordance with Article 18.</u>
<b>1210</b>	3. Any exchange of personal data with third countries in the framework of EUROSUR shall be strictly limited to what is absolutely necessary for the purposes of this Regulation. It shall be carried out in accordance with Regulation (EU) 2016/679, and the relevant national provisions on data protection.	3. Any exchange of personal data with third countries in the framework of EUROSUR shall be strictly limited to what is absolutely necessary for the purposes of this Regulation. It shall be carried out in accordance with Regulation (EU) 2016/679 <b>or Directive (EU) 2016/680 as applicable</b> , and the relevant national provisions on data protection.	3. Any exchange of personal data with third countries in the framework of EUROSUR shall be strictly limited to what is absolutely necessary for the purposes of this Regulation. It shall be carried out in accordance with <u>Regulation 2018/1725 by the Agency and Regulation (EU) 2016/679, Directive (EU) 2016/680</u> and the relevant national provisions on data protection <u>by the Member States.</u>	3. Any exchange of personal data with third countries in the framework of EUROSUR shall be strictly limited to what is absolutely necessary for the purposes of this Regulation. It shall be carried out in accordance with <b>chapter V of Regulation 2018/1725 by the Agency and with chapter V of Regulation (EU) 2016/679, with chapter V of Directive (EU) 2016/680</b> and the relevant national provisions on data protection <u>by the Member States.</u>
<b>1211</b>	4. Any exchange of information under Article 73(2), Article 74(3) and Article 75(3) which provides a third country with information that could	4. Any exchange of information <del>under Article 73(2), Article 74(3) and Article 75(3)</del> which provides a third country with information that could	4. Any exchange of information under Articles 73(2), <del>Article</del> 74(3) and <del>Article</del> 75(3) which provides a third country with <del>information</del> <u>data</u>	4. Any exchange of information under Articles 73(2), <del>Article</del> 74(3) and <del>Article</del> 75(3) which provides a third country with <del>information</del> <u>data</u>



	Commission proposal	EP amendments	Council position	Compromise text proposals
	be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.	be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.	that could be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.	that could be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.
1212		<b>4a. Member States shall keep logs of all exchanges of information and personal data for the purposes of monitoring the lawfulness of data processing and ensuring compliance with this Regulation. The logs shall show, in particular, the date, the name of the third country and the type of information shared.</b>		<b>4a. Member States shall keep logs of all exchanges of personal data for the purposes of monitoring the lawfulness of data processing and ensuring compliance with this Regulation. The logs shall show, in particular, the date, the name of the third country and the type of information shared.</b>
1213	5. Onward transmission or other communication of information exchanged under Article 73(2), Article 74(3) and Article 75(3) to other third countries or to third parties shall be prohibited.	5. <b>Member States and the Agency shall ensure that <del>Onward transmission or other communication of information exchanged under</del> transferred or disclosed to third countries pursuant to Article 73(2), Article 74(3) and Article 75(3) is not transmitted onwards to other third countries or to any other third parties shall be prohibited . Provisions in this regard shall be included in any agreement or arrangement concluded with a third country</b>	5. Onward transmission or other communication of information exchanged under Article 73(2), Article 74(3) and Article 75(3) to other third countries or to third parties shall be prohibited.	5. <b>Member States and the Agency shall ensure that <del>Onward transmission or other communication of information exchanged under</del> transferred or disclosed to third countries pursuant to Article 73(2), Article 74(3) and Article 75(3) is not transmitted onwards to other third countries or to any other third parties shall be prohibited . Provisions in this regard shall be included in any agreement or arrangement concluded with a third country</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>providing for the exchange of information.</i>		<i>providing for the exchange of information.</i>
1214			Article 90a	Article 90a
1215			<u>Processing of operational data</u>	<b><i>Processing of operational personal data</i></b>
1216			<u>In specific cases, where the Agency becomes aware of personal data of persons, including license plate numbers, vehicle identification numbers, telephone numbers, ship or aircraft identification numbers which are linked to such persons, who are suspected, on reasonable grounds, by the competent authorities of the Member States, Europol or Eurojust, or the Agency of involvement in cross-border crime, such as migrant smuggling, trafficking in human beings or terrorism, as well as personal data in respect of victims, witnesses or other persons who can provide information concerning such cross border crime, if those data supplement operational personal data processed by the Agency for the purpose of this article, the Agency shall process such data in accordance with Chapter IX of Regulation 2018/1725 and shall exchange such data</u>	<b>1. <u>Where the Agency, in the performance of its task under Article 10(19), processes personal data which it collected while monitoring the migratory flows, carrying out risk analyses or during its operations for the purpose of identifying suspects of cross-border crime,</u> the Agency shall process such <b>personal</b> data in accordance with Chapter IX of Regulation (EU) 2018/1725. <b>Personal data processed for this purpose shall relate to natural</b> persons, including license plate numbers, vehicle identification numbers, telephone numbers, ship or aircraft identification numbers which are linked to such persons, who are suspected, on reasonable grounds, by the competent authorities of the Member States, Europol or Eurojust, or the Agency of involvement in cross-border crime, as well as personal data in respect of victims,</b>

	Commission proposal	EP amendments	Council position	Compromise text proposals
				witnesses or other persons who can provide information concerning such cross border crime, if those data supplement <b>other</b> operational personal data processed by the Agency <b>in accordance with</b> this <b>Article</b> .
1217			a) <u>with Europol or Eurojust, where exchange of such data is necessary for use in accordance with their respective mandates and in accordance with Article 69;</u>	2. <b>The Agency</b> shall exchange such <b>personal</b> data
1218			-	a) <u>with Europol or Eurojust, where <b>the transmission</b> of such <b>personal</b> data is <b>strictly</b> necessary for <b>the performance of</b> their respective mandates and in accordance with Article 69;</u>
1219				b) <u>with the competent law enforcement authorities of the Member States where it is strictly necessary to those authorities for the purposes of preventing, detecting, investigating or prosecuting serious cross border crime.</u>
1220			Article 90b	Article 90b
1221			Data retention	Data retention

	Commission proposal	EP amendments	Council position	Compromise text proposals
1222			<p><u>1. The Agency shall delete personal data as soon as they have been transmitted to the competent authorities of Member States, other Union Agencies and in particular EASO, or transferred to third countries or international organisations or used for the preparation of risk analyses. The storage period shall, in any event, not exceed 90 days after the date of the collection of those data. In the results of risk analyses, data shall be anonymised.</u></p>	<p><u>1. The Agency shall delete personal data as soon as they have been transmitted to the competent authorities of Member States, other Union Agencies and in particular EASO, or transferred to third countries or international organisations or used for the preparation of risk analyses. The storage period shall, in any event, not exceed 90 days after the date of the collection of those data. In the results of risk analyses, data shall be anonymised.</u></p>
1223			<p><u>2. The personal data processed for the purpose of performing return-related tasks shall be deleted as soon as the purpose for which they have been collected has been achieved and no later than 30 days after the end of the return-related tasks.</u></p>	<p><u>2. The personal data processed for the purpose of performing return-related tasks shall be deleted as soon as the purpose for which they have been collected has been achieved and no later than 30 days after the end of the return-related tasks.</u></p>
1224			<p><u>3. Operational personal data processed for the purpose of Article 90a shall be deleted as soon as the purpose for which they have been collected has been achieved by the Agency. The Agency shall continuously review the need for necessity of storage of such data.</u></p>	<p><u>3. Operational personal data processed for the purpose of Article 90a shall be deleted as soon as the purpose for which they have been collected has been achieved by the Agency. The Agency shall continuously review the need for necessity of storage of such data.</u></p>

	Commission proposal	EP amendments	Council position	Compromise text proposals
1225			4. <u>The above provisions shall not apply to personal data collected in the context of FADO.</u>	4. <u>The above provisions shall not apply to personal data collected in the context of FADO.</u>
1226	Article 91		Article 91	
1227	Security rules on the protection of classified information and sensitive non-classified information	Security rules on the protection of classified information and sensitive non-classified information	Security rules on the protection of classified information and sensitive non-classified information	
1228	1. The Agency shall adopt its own security rules based on the principles and rules laid down in Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information including inter alia provisions for the exchange with third states, processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. Any administrative arrangement on the exchange of classified information with the relevant authorities of a third State or, in the absence of such arrangement, any exceptional ad hoc release of EUCI to those authorities shall have received the Commission's prior approval.	1. The Agency shall adopt its own security rules based on the principles and rules laid down in Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information including inter alia provisions for the exchange with third states, processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. Any administrative arrangement on the exchange of classified information with the relevant authorities of a third State or, in the absence of such arrangement, any exceptional ad hoc release of EUCI to those authorities shall have received the Commission's prior approval.	1. The Agency shall adopt its own security rules based on the principles and rules laid down in <u>the</u> Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information including inter alia provisions for the exchange with third states, processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. Any administrative arrangement on the exchange of classified information with the relevant authorities of a third State or, in the absence of such arrangement, any exceptional ad hoc release of EUCI to those authorities shall have received the Commission's prior approval.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1229	2. The security rules shall be adopted by the Management Board following approval by the Commission.	2. The security rules shall be adopted by the Management Board <del>following approval by the Commission.</del>	2. The security rules shall be adopted by the Management Board following approval by the Commission <u>to ensure compatibility with the Commission Decisions (EU, Euratom) 2015/443 and 2015/444.</u>	
1230	3. Classification shall not preclude information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall be approved by the Commission .	3. Classification shall not preclude information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall <i>comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and</i> <del>be approved by the Commission.</del>	3. Classification shall not preclude information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall be approved by the Commission-.	
1231	Section 3		Section 3	
1232	General framework and organisation of the Agency		General framework and organisation of the Agency	
1233	Article 92		Article 92	
1234	Legal status and location	Legal status and location	Legal status and location	
1235	1. The Agency shall be a body of the Union. It shall have legal personality.	1. The Agency shall be a body of the Union. It shall have legal personality.	1. The Agency shall be a body of the Union. It shall have legal personality.	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1236</b>	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.	
<b>1237</b>	3. The Agency shall be independent in implementing its technical and operational mandate.	3. The Agency shall be independent in implementing its technical and operational mandate.	3. The Agency shall be independent in implementing its technical and operational mandate.	
<b>1238</b>	4. The Agency shall be represented by its executive director.	4. The Agency shall be represented by its executive director.	4. The Agency shall be represented by its executive director.	
<b>1239</b>	5. The seat of the Agency shall be Warsaw, Poland.	5. The seat of the Agency shall be Warsaw, Poland.	5. The seat of the Agency shall be Warsaw, Poland.	
<b>1240</b>	Article 93		Article 93	
<b>1241</b>	Headquarters agreement	Headquarters agreement	Headquarters agreement	
<b>1242</b>	1. The necessary arrangements concerning the accommodation to be provided for the Agency in the Member State in which the Agency has its seat and the facilities to be made available by that Member State, as well as the specific rules applicable to the executive director, the deputy executive directors, the members of the management board, the staff of the Agency and members	1. The necessary arrangements concerning the accommodation to be provided for the Agency in the Member State in which the Agency has its seat and the facilities to be made available by that Member State, as well as the specific rules applicable to the executive director, the deputy executive directors, the members of the management board, the staff of the Agency and members	1. The necessary arrangements concerning the accommodation to be provided for the Agency in the Member State in which the Agency has its seat and the facilities to be made available by that Member State, as well as the specific rules applicable to the executive director, the deputy executive directors, the members of the management board, the staff of the Agency and members	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	of their families in that Member State shall be laid down in a headquarters agreement between the Agency and the Member State in which the Agency has its seat.	of their families in that Member State shall be laid down in a headquarters agreement between the Agency and the Member State in which the Agency has its seat.	of their families in that Member State shall be laid down in a headquarters agreement between the Agency and the Member State in which the Agency has its seat.	
<b>1243</b>	2. The headquarters agreement shall be concluded after obtaining the approval of the management board.	2. The headquarters agreement shall be concluded after obtaining the approval of the management board.	2. The headquarters agreement shall be concluded after obtaining the approval of the management board.	
<b>1244</b>	3. The Member State in which the Agency has its seat shall provide the best possible conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.	3. The Member State in which the Agency has its seat shall provide the best possible conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.	3. The Member State in which the Agency has its seat shall provide the best possible conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.	
<b>1245</b>	Article 94		Article 94	
<b>1246</b>	Staff	Staff	Staff	
<b>1247</b>	1. The Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the Union ('Conditions of Employment'), laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>1</sup> , and the rules adopted in	1. The Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the Union ('Conditions of Employment'), laid down in Council Regulation (EEC, Euratom, ECSC)	1. The Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the Union ('Conditions of Employment'), laid down in Council Regulation (EEC, Euratom,	

<sup>1</sup> OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).



	Commission proposal	EP amendments	Council position	Compromise text proposals
	agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment shall apply to the statutory staff.	No 259/68 <sup>2</sup> , and the rules adopted in agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment shall apply to the statutory staff.	ECSC) No 259/68 <sup>3</sup> , and the rules adopted in agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment shall apply to the statutory staff.	
1248	2. The place of employment shall in principle be fixed in the Member State where the Agency's seat is located.	2. The place of employment shall in principle be fixed in the Member State where the Agency's seat is located.	2. The place of employment shall in principle be fixed in the Member State where the Agency's seat is located.	
1249	3. Staff members subject to the Conditions of Employment shall in principle be initially engaged for a fixed period of five years. Their contracts may in principle be renewed only once, for a fixed period of maximum five years. Any further renewal shall be for an indefinite period.	3. Staff members subject to the Conditions of Employment shall in principle be initially engaged for a fixed period of five years. Their contracts may in principle be renewed only once, for a fixed period of maximum five years. Any further renewal shall be for an indefinite period.	3. Staff members subject to the Conditions of Employment shall in principle be initially engaged for a fixed period of five years. Their contracts may in principle be renewed only once, for a fixed period of maximum five years. Any further renewal shall be for an indefinite period.	
1250	4. The Management Board may grant a monthly differential payment to Agency statutory staff members. This differential payment shall be calculated as a percentage of the remuneration of each staff member	4. The Management Board may grant a monthly differential payment to Agency statutory staff members <i>when faced with difficulties in achieving its mission and tasks as set out in this Regulation</i> . This	4. <del>The Management Board may grant a monthly differential payment to Agency statutory staff members. This differential payment shall be calculated as a percentage of the remuneration of each staff member</del>	

<sup>2</sup> OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).

<sup>3</sup> OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).

	Commission proposal	EP amendments	Council position	Compromise text proposals
	concerned. That percentage shall not exceed the difference between 100% and the correction coefficient applicable in the place of employment and shall regularly be reviewed. Before granting this benefit, due account shall be taken of the overall remuneration received by individual staff members, including reimbursements of mission expenses.	differential payment shall be calculated as a percentage of the remuneration of each staff member concerned. That percentage shall not exceed the difference between 100% and the correction coefficient applicable in the place of employment and shall regularly be reviewed. <del>Before granting this benefit, due account shall be taken of the overall remuneration received by individual staff members, including reimbursements of mission expenses.</del>	<del>concerned. That percentage shall not exceed the difference between 100% and the correction coefficient applicable in the place of employment and shall regularly be reviewed. Before granting this benefit, due account shall be taken of the overall remuneration received by individual staff members, including reimbursements of mission expenses.</del>	
1251	The Management Board shall lay down the rules for implementing this paragraph, with prior approval of the Commission. By 2024, the Management Board shall review these rules, with prior approval of the Commission.	The Management Board shall lay down the rules for implementing this paragraph, with prior approval of the Commission. By 2024, the Management Board shall review these rules, with prior approval of the Commission.	<del>The Management Board shall lay down the rules for implementing this paragraph, with prior approval of the Commission. By 2024, the Management Board shall review these rules, with prior approval of the Commission.</del>	
1252	5. For the purpose of implementing 32, Article 45 and Article 53 (2), only a staff member of the Agency subject to the Staff Regulations or to Title II of the Conditions of Employment may be appointed as a coordinating officer or a liaison officer. For the purpose of implementing Article 56 only a staff member of the Agency subject to the Staff Regulations or of the	5. For the purpose of implementing 32, Article 45 and Article 53 (2), only a staff member of the Agency subject to the Staff Regulations or to Title II of the Conditions of Employment may be appointed as a coordinating officer or a liaison officer. For the purpose of implementing Article 56 only a staff member of the Agency subject to the Staff Regulations or of the	45. For the purpose of implementing 32, Article 45 and Article 53 (2), only a staff member of the Agency subject to the Staff Regulations or to Title II of the Conditions of Employment may be appointed as a coordinating officer or a liaison officer. For the purpose of implementing Article 56 only a staff member of the Agency subject to the Staff Regulations or of the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	Conditions of Employment may be deployed as team member.	Conditions of Employment may be deployed as team member.	Conditions of Employment may be deployed as team member.	
1253	6. The management board shall adopt implementing rules for giving effect to the Staff Regulations and Conditions of Employment in agreement with the Commission pursuant to Article 110(2) of the Staff Regulations.	6. The management board shall adopt implementing rules for giving effect to the Staff Regulations and Conditions of Employment in agreement with the Commission pursuant to Article 110(2) of the Staff Regulations.	<del>56.</del> The management board shall adopt implementing rules for giving effect to the Staff Regulations and Conditions of Employment in agreement with the Commission pursuant to Article 110(2) of the Staff Regulations.	
1254	7. Following prior approval by the Commission, the management board shall adopt, rules related to operational staff from Member States to be seconded to the Agency in accordance with Article 57 and update them as necessary. Those provisions shall take into account the fact that the operational staff are seconded to be deployed as members of the teams and have the tasks and powers provided for in Article 83. They shall include provisions on the conditions of deployment. Where relevant, the Management Board shall aim at ensuring consistency with the rules applicable to reimbursement of mission expenses of the statutory staff.	7. Following prior approval by the Commission, the management board shall adopt, rules related to operational staff from Member States to be seconded to the Agency in accordance with Article 57 and update them as necessary. Those provisions shall take into account the fact that the operational staff are seconded to be deployed as members of the teams and have the tasks and powers provided for in Article 83. They shall include provisions on the conditions of deployment. Where relevant, the Management Board shall aim at ensuring consistency with the rules applicable to reimbursement of mission expenses of the statutory staff.	<del>67.</del> Following prior approval by the Commission, the management board shall adopt, rules related to operational staff from Member States to be seconded to the Agency in accordance with Article 57 and update them as necessary. <u>These rules shall include in particular the financial arrangements related to these secondments, including insurance, and training.</u> Those provisions shall take into account the fact that the operational staff are seconded to be deployed as members of the teams and have the tasks and powers provided for in Article 83. They shall include provisions on the conditions of deployment. Where relevant, the Management Board shall aim at ensuring consistency with the rules applicable to	

	Commission proposal	EP amendments	Council position	Compromise text proposals
			reimbursement of mission expenses of the statutory staff.	
<b>1255</b>	Article 95		Article 95	
<b>1256</b>	Privileges and immunities	Privileges and immunities	Privileges and immunities	
<b>1257</b>	The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its statutory staff.	The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its statutory staff.	The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its statutory staff.	
<b>1258</b>	Article 96		Article 96	
<b>1259</b>	Liability	Liability	Liability	
<b>1260</b>		<b>-1. The Agency shall be liable for any activities it has undertaken in accordance with this Regulation.</b>		
<b>1261</b>		<b>-1a. Where statutory staff of the Agency carry out the tasks referred to in Annex II the Agency shall be liable for any damage caused.</b>		
<b>1262</b>	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.	
<b>1263</b>	2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause	2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause	2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	contained in a contract concluded by the Agency.	contained in a contract concluded by the Agency.	contained in a contract concluded by the Agency.	
<b>1264</b>	3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.	3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.	3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.	
<b>1265</b>	4. The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for the damage referred to in paragraph 3.	4. The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for the damage referred to in paragraph 3.	4. The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for the damage referred to in paragraph 3.	
<b>1266</b>	5. The personal liability of the Agency's staff towards it shall be governed by the provisions laid down in the Staff Regulations and Conditions of Employment applicable to them.	5. The personal liability of the Agency's staff towards it shall be governed by the provisions laid down in the Staff Regulations and Conditions of Employment applicable to them.	5. The personal liability of the Agency's staff towards it shall be governed by the provisions laid down in the Staff Regulations and Conditions of Employment applicable to them.	
<b>1267</b>		<i>Article 96 a</i>		
<b>1268</b>		<i>Actions before the Court of Justice of the European Union</i>		
<b>1269</b>		<i>1. Proceedings may be brought before the Court of Justice of the European Union, in accordance</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>with Article 263 TFEU, to challenge the legality of acts of the Agency.</i>		
1270		<i>2. Member States, the Union institutions, and natural and legal persons, may institute proceedings before the Court of Justice of the European Union against acts of the Agency in accordance with Article 263 TFEU.</i>		
1271		<i>3. In the event that the Agency has an obligation to act and fails to do so, proceedings for failure to act may be brought before the Court of Justice of the European Union in accordance with Article 265 TFEU.</i>		
1272		<i>4. The Agency shall take the necessary measures to comply with judgments of the Court of Justice of the European Union.</i>		
1273	Article 97		Article 97	
1274	Administrative and management structure of the Agency	Administrative and management structure of the Agency	Administrative and management structure of the Agency	
1275	The administrative and management structure of the Agency shall comprise:	The administrative and management structure of the Agency shall comprise:	The administrative and management structure of the Agency shall comprise:	
1276	(a) a management board;	(a) a management board;	(a) a management board;	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1277	(b) an executive director;	(b) an executive director;	(b) an executive director;	
1278	(c) deputy executive directors;	(c) deputy executive directors;	(c) deputy executive directors;	
1279		<i>The following shall function independently outside the administrative and management structure:</i>		
1280	(d) consultative forum;	(a) <del>(d)</del> consultative forum;	(d) consultative forum;	
1281	(e) a fundamental rights officer.	(b) <del>(e)</del> a fundamental rights officer.	(e) a fundamental rights officer.	
1282	Article 98		Article 98	
1283	Functions of the management board	Functions of the management board	Functions of the management board	
1284	1. The management board shall be responsible for taking the strategic decisions of the Agency in accordance with this Regulation.	1. The management board shall be responsible for taking the strategic decisions of the Agency in accordance with this Regulation.	1. The management board shall be responsible for taking the strategic decisions of the Agency in accordance with this Regulation.	
1285	2. The management board shall:	2. The management board shall:	2. The management board shall, <u>in particular</u> :	
1286	(a) appoint the executive director on a proposal from the Commission in accordance with Article 105;	<del>(a) — appoint the executive director on a proposal from the Commission in accordance with Article 105;</del>	(a) appoint the executive director on a proposal from the Commission in accordance with Article 105;	
1287	(b) appoint the deputy executive directors on a proposal from the	(b) appoint the deputy executive directors on a proposal from the	(b) appoint the deputy executive directors on a proposal from the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	Commission in accordance with Article 105;	<del>Commission</del> <i>executive director</i> in accordance with Article 105;	Commission in accordance with Article 105;	
1288	(c) adopt a decision to set up an antenna office or to prolong its duration in accordance with Article 60(6);	(c) adopt a decision to set up an antenna office or to prolong its duration in accordance with Article 60(6);	(c) adopt a decision to set up an antenna office or to prolong its duration in accordance with Article 60(6);	
1289	(d) adopt decisions on conducting the vulnerability assessment in accordance with Article 33 (1) and (9), with the decisions setting out measures adopted under Article 33 (9) being passed by a two-thirds majority of the members with a right to vote;	(d) adopt decisions on conducting the vulnerability assessment in accordance with Article 33 (1) and (9), with the decisions setting out measures adopted under Article 33 (9) being passed by a two-thirds majority of the members with a right to vote;	(d) adopt decisions on conducting the vulnerability assessment in accordance with Article 33 (1) and (9), with the decisions setting out measures adopted under Article 33 (9) being passed by a two-thirds majority of the members with a right to vote;	
1290	(e) adopt decisions on the lists of mandatory information and data to be exchanged with the Agency by the national authorities responsible for border management and return to enable the Agency to perform its tasks;	(e) adopt decisions on the lists of mandatory information and data to be exchanged with the Agency by the national authorities responsible for border management and return to enable the Agency to perform its tasks;	(e) adopt decisions on the lists of mandatory information and data to be exchanged with the Agency by the national authorities responsible for border management and return to enable the Agency to perform its tasks, <u>without prejudice to obligations established by this Regulation, in particular in Article 50, Article 87, Article 88, Article 89 and Article 90;</u>	
1291	(f) adopt decisions on the establishment of a common integrated risk analysis model in accordance with Article 30 (1);	(f) adopt decisions on the establishment of a common integrated risk analysis model in accordance with Article 30 (1);	(f) adopt decisions on the establishment of a common integrated risk analysis model in accordance with Article 30 (1);	



	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1292</b>	(g) adopt decisions on the nature and terms of the deployment of liaison officers in Member States in accordance with Article 32 (2);	(g) adopt decisions on the nature and terms of the deployment of liaison officers in Member States in accordance with Article 32 (2);	(g) adopt decisions on the nature and terms of the deployment of liaison officers in Member States in accordance with Article 32 (2);	
<b>1293</b>	(h) adopt a technical and operational strategy for the European Integrated Border Management in accordance with Article 8 5(5);	(h) adopt a technical and operational strategy for the European Integrated Border Management in accordance with Article 8 5(5);	(h) adopt a technical and operational strategy for the European Integrated Border Management in accordance with Article 8 5(5);	
<b>1294</b>	(i) adopt a decision on the profiles and the numbers of operational staff for the management of borders and migration within the European Border and Coast Guard standing corps, in accordance with Article 55(4);	(i) adopt a decision on the profiles and the numbers of operational staff for the management of borders and migration within the European Border and Coast Guard standing corps, in accordance with Article 55(4);	(i) adopt a decision on the profiles and the numbers of operational staff for the management of borders and migration within the European Border and Coast Guard standing corps, in accordance with Article 55(4);	
<b>1295</b>	(j) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;	(j) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;	(j) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;	
<b>1296</b>	(k) before 30 November each year, and after duly taking into account the opinion of the Commission, adopt, by a two-thirds majority of the members with a right to vote, a single programming document containing, inter alia, the Agency's multiannual programming and its work programme for the	(k) before 30 November each year, and after duly taking into account the opinion of the Commission, adopt, by a two-thirds majority of the members with a right to vote, a single programming document containing, inter alia, the Agency's multiannual programming and its work programme for the	(k) before 30 November each year, and after duly taking into account the opinion of the Commission, adopt, by a two-thirds majority of the members with a right to vote, a single programming document containing, inter alia, the Agency's multiannual programming and its work programme for the	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	following year and forward it to the European Parliament, to the Council and to the Commission;	following year and forward it to the European Parliament, to the Council and to the Commission;	following year and forward it to the European Parliament, to the Council and to the Commission;	
<b>1297</b>	(l) establish procedures for the executive director to take decisions relating to the technical and operational tasks of the Agency;	(l) establish procedures for the executive director to take decisions relating to the technical and operational tasks of the Agency;	(l) establish procedures for the executive director to take decisions relating to the technical and operational tasks of the Agency;	
<b>1298</b>	(m) adopt, by a two-thirds majority of the members with a right to vote, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Section 5 of this Chapter;	(m) adopt, by a two-thirds majority of the members with a right to vote, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Section 5 of this Chapter;	(m) adopt, by a two-thirds majority of the members with a right to vote, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Section 5 of this Chapter;	
<b>1299</b>	(n) exercise disciplinary authority over the executive director and over the deputy executive directors, in agreement with the executive director;	(n) exercise disciplinary authority over the executive director and over the deputy executive directors, in agreement with the executive director;	(n) exercise disciplinary authority over the executive director and over the deputy executive directors, in <del>agreement</del> <u>consultation</u> with the executive director;	
<b>1300</b>	(o) establish its rules of procedure;	(o) establish its rules of procedure;	(o) establish its rules of procedure;	
<b>1301</b>	(p) establish the organisational structure of the Agency and adopt the Agency's staff policy;	(p) establish the organisational structure of the Agency and adopt the Agency's staff policy;	(p) establish the organisational structure of the Agency and adopt the Agency's staff policy;	
<b>1302</b>	(q) adopt an anti-fraud strategy, proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented;	(q) adopt an anti-fraud strategy, proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented;	(q) adopt an anti-fraud strategy, proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented;	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1303</b>	(r) adopt internal rules for the prevention and management of conflicts of interest in respect of its members;	(r) adopt internal rules for the prevention and management of conflicts of interest in respect of its members;	(r) adopt internal rules for the prevention and management of conflicts of interest in respect of its members;	
<b>1304</b>	(s) exercise, in accordance with paragraph 8, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment on the Authority Empowered to Conclude a Contract of Employment ('the Appointing Authority powers');	(s) exercise, in accordance with paragraph 8, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment on the Authority Empowered to Conclude a Contract of Employment ('the Appointing Authority powers');	(s) exercise, in accordance with paragraph 8, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment on the Authority Empowered to Conclude a Contract of Employment ('the Appointing Authority powers');	
<b>1305</b>	(t) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment in accordance with Article 110(2) of the Staff Regulations;	(t) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment in accordance with Article 110(2) of the Staff Regulations;	(t) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment in accordance with Article 110(2) of the Staff Regulations;	
<b>1306</b>	(u) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the OLAF;	(u) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the OLAF;	(u) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the OLAF;	
<b>1307</b>	(v) adopt and regularly update the communication and dissemination plans referred to in the second subparagraph of Article 10 (2);	(v) adopt and regularly update the communication and dissemination plans referred to in the second subparagraph of Article 10 (2);	(v) adopt and regularly update the communication and dissemination plans referred to in the second subparagraph of Article 10 (2);	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1308</b>	(w) appoint an accounting officer, subject to the Staff Regulations and the Conditions of Employment, who shall be totally independent in the performance of his or her duties;	(w) appoint an accounting officer, subject to the Staff Regulations and the Conditions of Employment, who shall be totally independent in the performance of his or her duties;	(w) appoint an accounting officer, subject to the Staff Regulations and the Conditions of Employment, who shall be totally independent in the performance of his or her duties;	
<b>1309</b>	(x) decide on a common vulnerability assessment methodology, including the objective criteria against which the Agency shall carry out the vulnerability assessment, the frequency of such assessments and how consecutive vulnerability assessments are to be carried out;	(x) decide on a common vulnerability assessment methodology, including the objective criteria against which the Agency shall carry out the vulnerability assessment, the frequency of such assessments and how consecutive vulnerability assessments are to be carried out;	(x) decide on a common vulnerability assessment methodology, including the objective criteria against which the Agency shall carry out the vulnerability assessment, the frequency of such assessments and how consecutive vulnerability assessments are to be carried out;	
<b>1310</b>	(y) decide on enhanced assessment and monitoring of a Member State as referred to in Article 33 (2);	(y) decide on enhanced assessment and monitoring of a Member State as referred to in Article 33 (2);	(y) decide on enhanced assessment and monitoring of a Member State as referred to in Article 33 (2);	
<b>1311</b>	(z) appoint the fundamental rights officer in accordance with Article 107(1);	(z) appoint the fundamental rights officer in accordance with Article 107(1);	(z) appoint the fundamental rights officer in accordance with Article 107(1);	
<b>1312</b>	(aa) approve the working arrangements with third countries;	(aa) approve the working arrangements with third countries;	(aa) approve the working arrangements with third countries;	
<b>1313</b>	(bb) adopt, after the prior approval of the Commission, the security rules of the Agency on protecting EU classified information and sensitive	(bb) adopt, <del>after the prior approval of the Commission,</del> the security rules of the Agency on protecting EU classified information and sensitive non-classified	(bb) adopt, after the prior approval of the Commission, the security rules of the Agency on protecting EU classified information and sensitive non-classified	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	non-classified information as referred to in Article 91;	information as <del>referred</del> <i>referred</i> to in Article 91;	information as referred to in Article 91;	
1314	(cc) appoint a security officer, subject to the Staff Regulations and the Conditions of Employment, who shall be responsible for the security within the Agency, including for the protection of sensitive and classified information.	(cc) appoint a security officer, subject to the Staff Regulations and the Conditions of Employment, who shall be responsible for the security within the Agency, including for the protection of sensitive and classified information.	(cc) appoint a security officer, subject to the Staff Regulations and the Conditions of Employment, who shall be responsible for the security within the Agency, including for the protection of sensitive and classified information.	
1315	The annual activity report referred to in point (j) shall be made public.	The annual activity report referred to in point (j) shall be made public.	The annual activity report referred to in point (j) shall be made public.	
1316	3. Proposals for decisions of the management board as referred to in paragraph 2 on specific activities of the Agency to be carried out at, or in the immediate vicinity of, the external borders of any particular Member State shall require a vote in favour of their adoption by the Member of the management board representing that Member State.	3. Proposals for decisions of the management board as referred to in paragraph 2 on specific activities of the Agency to be carried out at, or in the immediate vicinity of, the external borders of any particular Member State shall require a vote in favour of their adoption by the Member of the management board representing that Member State.	3. Proposals for decisions of the management board as referred to in paragraph 2 on specific activities of the Agency to be carried out at, or in the immediate vicinity of, the external borders of any particular Member State <u>or working arrangements with third countries as referred to in Article 74(4)</u> shall require a vote in favour of their adoption by the Member of the management board representing that <u>particular</u> Member State <u>or the Member State neighbouring that third country, respectively</u> .	
1317	4. The management board may advise the executive director on any matter related to the development of operational management of the	4. The management board may advise the executive director on any matter related to the development of operational management of the	4. The management board may advise the executive director on any matter related to the development of operational management of the	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	external borders and return, including activities related to research.	external borders, <del>and</del> return, <i>and training</i> , including activities related to research.	external borders and return, including activities related to research.	
<b>1318</b>	5. Should Ireland and/or the United Kingdom request to participate in specific activities, the management board shall decide thereon.	5. Should Ireland and/or the United Kingdom request to participate in specific activities, the management board shall decide thereon.	5. Should Ireland and/or the United Kingdom request to participate in specific activities, the management board shall decide thereon.	
<b>1319</b>	The management board shall take its decision on a case-by-case basis by an absolute majority of its members with a right to vote. In its decision, the management board shall consider if the participation of Ireland and/or the United Kingdom contributes to the achievement of the activity in question. The decision shall set out the financial contribution of Ireland and/or the United Kingdom to the activity for which a request for participation has been made.	The management board shall take its decision on a case-by-case basis by an absolute majority of its members with a right to vote. In its decision, the management board shall consider if the participation of Ireland and/or the United Kingdom contributes to the achievement of the activity in question. The decision shall set out the financial contribution of Ireland and/or the United Kingdom to the activity for which a request for participation has been made.	The management board shall take its decision on a case-by-case basis by an absolute majority of its members with a right to vote. In its decision, the management board shall consider if the participation of Ireland and/or the United Kingdom contributes to the achievement of the activity in question. The decision shall set out the financial contribution of Ireland and/or the United Kingdom to the activity for which a request for participation has been made.	
<b>1320</b>	6. The management board shall forward annually to the European Parliament and the Council ('the budgetary authority') any information relevant to the outcome of the evaluation procedures conducted by the Agency.	6. The management board shall forward annually to the European Parliament and the Council ('the budgetary authority') any information relevant to the outcome of the evaluation procedures conducted by the Agency.	6. The management board shall forward annually to the European Parliament and the Council ('the budgetary authority') any information relevant to the outcome of the evaluation procedures conducted by the Agency.	
<b>1321</b>	7. The management board may establish an executive board	7. The management board may establish an executive board	7. The management board may establish an executive board	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	<p>composed of up to four representatives of the Management Board, including its Chairperson, and a representative of the Commission, to assist it and the executive director with regard to the preparation of the decisions, programmes and activities to be adopted by the management board and to take certain provisional, urgent decisions on behalf of the management board when necessary. The executive board shall not take decisions that must be passed by either a two-thirds or three-quarters majority of the management board. The management board may delegate certain clearly defined tasks to the executive board, in particular where this improves the efficiency of the Agency. It may not delegate to the executive board tasks related to decisions that must be passed by either a two-thirds or three-quarters majority of the management board.</p>	<p>composed of up to four representatives of the Management Board, including its Chairperson, and a representative of the Commission, to assist it and the executive director with regard to the preparation of the decisions, programmes and activities to be adopted by the management board and to take certain provisional, urgent decisions on behalf of the management board when necessary. The executive board shall not take decisions that must be passed by either a two-thirds or three-quarters majority of the management board. The management board may delegate certain clearly defined tasks to the executive board, in particular where this improves the efficiency of the Agency. It may not delegate to the executive board tasks related to decisions that must be passed by either a two-thirds or three-quarters majority of the management board.</p>	<p>composed of up to four representatives of the Management Board, including its Chairperson, and a representative of the Commission, to assist it and the executive director with regard to the preparation of the decisions, programmes and activities to be adopted by the management board and to take certain provisional, urgent decisions on behalf of the management board when necessary. The executive board shall not take decisions that must be passed by either a two-thirds or three-quarters majority of the management board. The management board may delegate certain clearly defined tasks to the executive board, in particular where this improves the efficiency of the Agency. It may not delegate to the executive board tasks related to decisions that must be passed by either a two-thirds or three-quarters majority of the management board.</p>	
<b>1322</b>	<p>8. The management board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment, delegating relevant appointing-</p>	<p>8. The management board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment, delegating relevant appointing-</p>	<p>8. The management board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment, delegating relevant appointing-</p>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	authority powers to the executive director and setting out the conditions under which this delegation of powers can be suspended. The executive director shall be authorised to sub-delegate those powers.	authority powers to the executive director and setting out the conditions under which this delegation of powers can be suspended. The executive director shall be authorised to sub-delegate those powers.	authority powers to the executive director and setting out the conditions under which this delegation of powers can be suspended. The executive director shall be authorised to sub-delegate those powers.	
1323	Where exceptional circumstances so require, the management board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the executive director and those sub-delegated by the latter. It may then exercise them itself or delegate them to one of its members or to a staff member other than the executive director.	Where exceptional circumstances so require, the management board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the executive director and those sub-delegated by the latter. It may then exercise them itself or delegate them to one of its members or to a staff member other than the executive director.	Where exceptional circumstances so require, the management board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the executive director and those sub-delegated by the latter. It may then exercise them itself or delegate them to one of its members or to a staff member other than the executive director.	
1324	Article 99		Article 99	
1325	Composition of the management board	Composition of the management board	Composition of the management board	
1326	1. Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State and two representatives of the Commission, all with a right to vote. To this effect, each Member State shall appoint a member of the management board as	1. Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State, <del>and</del> two representatives of the Commission <b>and one representative of the European Parliament</b> , all with a right to vote. To this effect, each	1. Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State and two representatives of the Commission, all with a right to vote. To this effect, each Member State shall appoint a member of the	



	Commission proposal	EP amendments	Council position	Compromise text proposals
	well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. The duration of the terms of office shall be four years. The terms of office shall be extendable.	Member State shall appoint a member of the management board as well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. <i>The European Parliament shall appoint one Member of the European Parliament from the competent committee and another Member of the European Parliament as his or her alternate.</i> The duration of the terms of office shall be four years. The terms of office shall be extendable.	management board as well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. The duration of the terms of office shall be four years. The terms of office shall be extendable.	
<b>1327</b>	2. The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return and their relevant managerial, administrative and budgetary skills. Member States and the Commission shall aim to achieve a gender balanced representation on the management board.	2. The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return and their relevant managerial, administrative and budgetary skills. Member States and the Commission shall aim to achieve a gender balanced representation on the management board.	2. The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return and their relevant managerial, administrative and budgetary skills. Member States and the Commission shall aim to achieve a gender balanced representation on the management board.	
<b>1328</b>	3. Countries associated with the implementation, application and development of the Schengen acquis	3. Countries associated with the implementation, application and development of the Schengen acquis	3. Countries associated with the implementation, application and development of the Schengen acquis	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	shall participate in the Agency. They shall have one representative and one alternate each on the management board. The arrangements developed under the relevant provisions of their association agreements, that specify the nature and extent of, and the detailed rules for, the participation by those countries in the work of the Agency, including provisions on financial contributions and staff, shall apply.	shall participate in the Agency. They shall have one representative and one alternate each on the management board. The arrangements developed under the relevant provisions of their association agreements, that specify the nature and extent of, and the detailed rules for, the participation by those countries in the work of the Agency, including provisions on financial contributions and staff, shall apply.	shall participate in the Agency. They shall have one representative and one alternate each on the management board. The arrangements developed under the relevant provisions of their association agreements, that specify the nature and extent of, and the detailed rules for, the participation by those countries in the work of the Agency, including provisions on financial contributions and staff, shall apply.	
<b>1329</b>	Article 100		Article 100	
<b>1330</b>	Multiannual programming and annual work programmes	Multiannual programming and annual work programmes	Multiannual programming and annual work programmes	
<b>1331</b>	1. The management board shall, by 30 November each year, adopt a final programming document containing inter alia the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director and endorsed by the management board. The final programming document shall be adopted after a positive opinion of the Commission, as regards the multiannual programming, after having consulted the European Parliament. If the Agency decides not	1. The management board shall, by 30 November each year, <b>and taking into account the recommendations of the Inter-Institutional Working Group on agencies' resources</b> , adopt a final programming document containing inter alia the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director and endorsed by the management board. The final programming document shall be adopted after a positive opinion of	1. The management board shall, by 30 November each year, adopt a final programming document containing inter alia the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director and endorsed by the management board. The final programming document shall be adopted after a positive opinion of the Commission, as regards the multiannual programming, after having consulted the European Parliament <u>and the Council</u> . If the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	to take into account elements of the opinion of the Commission, it shall provide a thorough justification. The management board shall forward the document to the European Parliament, to the Council and to the Commission.	the Commission, as regards the multiannual programming, after having consulted the European Parliament. If the Agency decides not to take into account elements of the opinion of the Commission <i>or the European Parliament</i> , it shall provide a thorough justification. The management board shall forward the document to the European Parliament, to the Council and to the Commission <i>without delay</i> .	Agency decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification. The management board shall forward the document to the European Parliament, to the Council and to the Commission.	
1332	2. The document referred to in paragraph 1 shall become definitive after the final adoption of the general budget. It shall be adjusted accordingly where necessary.	2. The document referred to in paragraph 1 shall become definitive after the final adoption of the general budget. It shall be adjusted accordingly where necessary.	2. The document referred to in paragraph 1 shall become definitive after the final adoption of the general budget. It shall be adjusted accordingly where necessary.	
1333	3. The multiannual programming shall set out overall strategic programming in the medium and long term, including objectives, expected results, performance indicators and resource planning, including the multiannual budget, staff and the development of the Agency's own capabilities. The multiannual programming shall set out the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include a strategy for relations with	3. The multiannual programming shall set out overall strategic programming in the medium and long term, including objectives, expected results, performance indicators and resource planning, including the multiannual budget, staff and the development of the Agency's own capabilities. The multiannual programming shall set out the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include a strategy for <i>the monitoring</i>	3. <u>In line with the multiannual strategy policy cycle,</u> <del>The</del> multiannual programming shall set out overall strategic programming in the medium and long term, including objectives, expected results, performance indicators and resource planning, including the multiannual budget, staff and the development of the Agency's own capabilities <u>including indicative multiannual planning of the profiles for the standing corps.</u> The multiannual programming shall set out the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	third countries and international organisations as well as the actions linked to that strategy.	<i>and respect for fundamental rights and for relations with third countries and international organisations as well as the actions linked to that strategy these strategies.</i>	strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include a strategy for relations with third countries and international organisations as well as the actions linked to that strategy.	
1334	4. The multiannual programming shall be implemented by means of annual work programmes and shall, where appropriate, be updated following the outcome of an evaluation conducted pursuant to Article 116. The conclusion of those evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.	4. The multiannual programming shall be implemented by means of annual work programmes and shall, where appropriate, be updated following the outcome of an evaluation conducted pursuant to Article 116. The conclusion of those evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.	4. The multiannual programming shall be implemented by means of annual work programmes and shall, where appropriate, be updated following the outcome of an evaluation conducted pursuant to Article 116. The conclusion of those evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.	
1335	5. The annual work programme shall contain a description of the activities to be financed comprising detailed objectives and expected results including performance indicators. It shall also contain an indication of the financial and human resources allocated to each activity, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be consistent with the multiannual programming. It	5. The annual work programme shall contain a description of the activities to be financed comprising detailed objectives and expected results including performance indicators. It shall also contain an indication of the financial and human resources allocated to each activity, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be consistent with the multiannual programming. It	5. The annual work programme shall contain a description of the activities to be financed comprising detailed objectives and expected results including performance indicators. It shall also contain an indication of the financial and human resources allocated to each activity, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be consistent with the multiannual programming. It	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	shall clearly indicate tasks that have been added, changed or deleted compared with the previous financial year.	shall clearly indicate tasks that have been added, changed or deleted compared with the previous financial year.	shall clearly indicate tasks that have been added, changed or deleted compared with the previous financial year.	
<b>1336</b>	6. The annual work programme shall be adopted according to the Union legislative programme in relevant areas of the management of the external borders and returns.	6. The annual work programme shall be adopted according to the Union legislative programme in relevant areas of the management of the external borders and returns.	6. The annual work programme shall be adopted according to the Union legislative programme in relevant areas of the management of the external borders and returns.	
<b>1337</b>	7. Where, after adoption of an annual work programme, a new task is assigned to the Agency, the management board shall amend the annual work programme.	7. Where, after adoption of an annual work programme, a new task is assigned to the Agency, the management board shall amend the annual work programme.	7. Where, after adoption of an annual work programme, a new task is assigned to the Agency, the management board shall amend the annual work programme.	
<b>1338</b>	8. Any substantial amendment to the annual work programme shall, especially the modification resulting in a reallocation of the budgetary resources above 2% of the annual budget, be adopted by the same procedure as that applicable to adoption of the initial annual work programme. The management board may delegate to the executive director the power to make non-substantial amendments to the annual work programme.	8. Any substantial amendment to the annual work programme shall, especially the modification resulting in a reallocation of the budgetary resources above 2% of the annual budget, be adopted by the same procedure as that applicable to adoption of the initial annual work programme. The management board may delegate to the executive director the power to make non-substantial amendments to the annual work programme.	8. Any substantial amendment to the annual work programme shall, especially the modification resulting in a reallocation of the budgetary resources above 2% of the annual budget, be adopted by the same procedure as that applicable to adoption of the initial annual work programme. The management board may delegate to the executive director the power to make non-substantial amendments to the annual work programme.	
<b>1339</b>	Article 101		Article 101	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1340</b>	Chairmanship of the management board	Chairmanship of the management board	Chairmanship of the management board	
<b>1341</b>	1. The management board shall elect a chairperson and a deputy chairperson from among its members with a right to vote. The chairperson and the deputy chairperson shall be elected by a two-thirds majority of the members of the management boards with a right to vote. The deputy chairperson shall ex officio replace the chairperson in the event of his or her being prevented from attending to his or her duties.	1. The management board shall elect a chairperson and a deputy chairperson from among its members with a right to vote. The chairperson and the deputy chairperson shall be elected by a two-thirds majority of the members of the management boards with a right to vote. The deputy chairperson shall ex officio replace the chairperson in the event of his or her being prevented from attending to his or her duties.	1. The management board shall elect a chairperson and a deputy chairperson from among its members with a right to vote. The chairperson and the deputy chairperson shall be elected by a two-thirds majority of the members of the management boards with a right to vote. The deputy chairperson shall ex officio replace the chairperson in the event of his or her being prevented from attending to his or her duties.	
<b>1342</b>	2. The term of office of the chairperson and deputy chairperson shall expire when their respective membership of the management board ceases. Subject to this provision, the terms of office of the chairperson or deputy chairperson shall be four years. These terms of office shall be extendable once.	2. The term of office of the chairperson and deputy chairperson shall expire when their respective membership of the management board ceases. Subject to this provision, the terms of office of the chairperson or deputy chairperson shall be four years. These terms of office shall be extendable once.	2. The term of office of the chairperson and deputy chairperson shall expire when their respective membership of the management board ceases. Subject to this provision, the terms of office of the chairperson or deputy chairperson shall be four years. These terms of office shall be extendable once.	
<b>1343</b>	Article 102		Article 102	
<b>1344</b>	Meetings of the management board	Meetings of the management board	Meetings of the management board	
<b>1345</b>	1. Meetings of the management board shall be convened by its chairperson.	1. Meetings of the management board shall be convened by its chairperson.	1. Meetings of the management board shall be convened by its chairperson.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1346	2. The executive director shall take part in the deliberations, without the right to vote.	2. The executive director shall take part in the deliberations, without the right to vote.	2. The executive director shall take part in the deliberations, without the right to vote.	
1347	3. The management board shall hold at least two ordinary meetings a year. In addition, it shall meet at the initiative of the chairperson, at the request of the Commission, or at the request of at least one third of its members. When necessary, the management board may hold joint meetings with the management board of the European Union Agency for Asylum and EUROPOL.	3. The management board shall hold at least two ordinary meetings a year. In addition, it shall meet at the initiative of the chairperson, at the request of the Commission, or at the request of at least one third of its members. When necessary, the management board may hold joint meetings with the management board of the European Union Agency for Asylum and EUROPOL.	3. The management board shall hold at least two ordinary meetings a year. In addition, it shall meet at the initiative of the chairperson, at the request of the Commission, or at the request of at least one third of its members. When necessary, the management board may hold joint meetings with the management board of the European Union Agency for Asylum and EUROPOL.	
1348	4. Ireland shall be invited to attend the meetings of the management board.	4. Ireland shall be invited to attend the meetings of the management board.	4. Ireland shall be invited to attend the meetings of the management board.	
1349	5. The United Kingdom shall be invited to attend the meetings of the management board taking place before the date of withdrawal of the United Kingdom from the Union.	5. The United Kingdom shall be invited to attend the meetings of the management board taking place before the date of withdrawal of the United Kingdom from the Union.	5. The United Kingdom shall be invited to attend the meetings of the management board taking place before the date of withdrawal of the United Kingdom from the Union.	
1350	6. Representatives of the European Union Agency for Asylum and EUROPOL shall be invited to attend the meetings of the Management Board. The management board may also invite a representative of relevant Union institutions, bodies, offices and agencies.	6. Representatives of the European Union Agency for Asylum, <i>the European Union Agency for Fundamental rights</i> and EUROPOL shall be invited to attend the meetings of the Management Board. The management board may also invite a representative of <i>other</i>	6. Representatives of the European Union Agency for Asylum and EUROPOL shall be invited to attend the meetings of the Management Board. The management board may also invite a representative of relevant Union	

	Commission proposal	EP amendments	Council position	Compromise text proposals
		relevant Union institutions, bodies, offices and agencies.	institutions, bodies, offices and agencies.	
1351	7. The management board may invite, in accordance with its rules of procedure, any other person whose opinion may be of interest to attend its meetings as an observer.	7. The management board may invite, in accordance with its rules of procedure, any other person whose opinion may be of interest to attend its meetings as an observer.	7. The management board may invite, in accordance with its rules of procedure, any other person whose opinion may be of interest to attend its meetings as an observer.	
1352	8. The members of the management board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.	8. The members of the management board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.	8. The members of the management board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.	
1353	9. The secretariat for the management board shall be provided by the Agency.	9. The secretariat for the management board shall be provided by the Agency.	9. The secretariat for the management board shall be provided by the Agency.	
1354	Article 103		Article 103	
1355	Voting	Voting	Voting	
1356	1. Without prejudice to Article 55(4), points (3), (9) and (13) of Article 98(2), Article 100(1) and Article 105(2) and (4), the management board shall take its decisions by an absolute majority of its members with a right to vote.	1. Without prejudice to Article 55(4), points (3), (9) and (13) of Article 98(2), Article 100(1) and Article 105(2) and (4), the management board shall take its decisions by an absolute majority of its members with a right to vote.	1. Without prejudice to Article 55(4), points <del>(3d)</del> , <del>(9i)</del> , <del>(k)</del> and <del>(13m)</del> of Article 98(2), Article 100(1) and <u>(8)</u> , and Article 105(2) and (4), the management board shall take its decisions by an absolute majority of its members with a right to vote.	
1357	2. Each member shall have one vote. In the absence of a member, his or her alternate shall be entitled to	2. Each member shall have one vote. In the absence of a member, his or her alternate shall be entitled to	2. Each member shall have one vote. In the absence of a member, his or her alternate shall be entitled to	



	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	exercise his or her right to vote. The executive director shall not vote.	exercise his or her right to vote. The executive director shall not vote.	exercise his or her right to vote. The executive director shall not vote.	
<b>1358</b>	3. The rules of procedure shall set out the voting arrangements in greater detail. Those rules shall include the conditions for a member to act on behalf of another member as well as any quorum requirements.	3. The rules of procedure shall set out the voting arrangements in greater detail. Those rules shall include the conditions for a member to act on behalf of another member as well as any quorum requirements.	3. The rules of procedure shall set out the voting arrangements in greater detail. Those rules shall include the conditions for a member to act on behalf of another member as well as any quorum requirements.	
<b>1359</b>	4. Representatives of countries associated with the implementation, application and development of the Schengen acquis shall have limited voting rights corresponding to their respective arrangements. In order to allow the associated countries to exercise their right to vote, the Agency shall detail the agenda identifying the points for which a limited voting right has been granted.	4. Representatives of countries associated with the implementation, application and development of the Schengen acquis shall have limited voting rights corresponding to their respective arrangements. In order to allow the associated countries to exercise their right to vote, the Agency shall detail the agenda identifying the points for which a limited voting right has been granted.	4. Representatives of countries associated with the implementation, application and development of the Schengen acquis shall have limited voting rights corresponding to their respective arrangements. In order to allow the associated countries to exercise their right to vote, the Agency shall detail the agenda identifying the points for which a limited voting right has been granted.	
<b>1360</b>	Article 104		Article 104	
<b>1361</b>	Functions and powers of the executive director	Functions and powers of the executive director	Functions and powers of the executive director	
<b>1362</b>	1. The Agency shall be managed by its executive director, who shall be completely independent in the performance of his or her duties. Without prejudice to the respective competencies of the Union institutions and the management	1. The Agency shall be managed by its executive director, who shall be completely independent in the performance of his or her duties. Without prejudice to the respective competencies of the Union institutions and the management	1. The Agency shall be managed by its executive director, who shall be completely independent in the performance of his or her duties. Without prejudice to the respective competencies of the Union institutions and the management	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	board, the executive director shall neither seek nor take instructions from any government or from any other body.	board, the executive director shall neither seek nor take instructions from any government or from any other body.	board, the executive director shall neither seek nor take instructions from any government or from any other body.	
1363	2. The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested and report to it regularly.	2. The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting <i>on the activities of the Agency</i> , on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested, and <i>answer any question put forward by a Member of the European Parliament in writing within 15 calendar days. The executive director shall report to it regularly to the appropriate bodies and committees of the European Parliament. Except where specific deadlines are already provided for in this Regulation, the executive director shall ensure that reports are</i>	2. The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested and report to it regularly.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>transmitted to the European Parliament within six months after the end of the reporting period unless a delay is duly justified in writing to the appropriate bodies and committees of the European Parliament.</i>		
<b>1364</b>	3. The executive director shall be responsible for the preparation and implementation of the strategic decisions taken by the management board and for the taking of decisions related to the operational activities of the Agency in accordance with this Regulation. The executive director shall have the following functions and powers:	3. The executive director shall be responsible for the preparation and implementation of the strategic decisions taken by the management board and for the taking of decisions related to the operational activities of the Agency in accordance with this Regulation. The executive director shall have the following functions and powers:	3. The executive director shall be responsible for the preparation and implementation of the strategic decisions taken by the management board and for the taking of decisions related to the operational activities of the Agency in accordance with this Regulation. The executive director shall have the following functions and powers:	
<b>1365</b>	(a) to propose, prepare and implement the strategic decisions and programmes and activities adopted by the management board within the limits set out in this Regulation, its implementing rules and any applicable law;	(a) to propose, prepare and implement the strategic decisions and programmes and activities adopted by the management board within the limits set out in this Regulation, its implementing rules and any applicable law;	(a) to propose, prepare and implement the strategic decisions and programmes and activities adopted by the management board within the limits set out in this Regulation, its implementing rules and any applicable law;	
<b>1366</b>	(b) to take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the day-to-day administration and	(b) to take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the day-to-day administration and	(b) to take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the day-to-day administration and functioning of the Agency in	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	functioning of the Agency in accordance with this Regulation;	functioning of the Agency in accordance with this Regulation;	accordance with this Regulation; to prepare each year the draft single programming document and to submit it to the management board for endorsement before it is sent to the Institutions by 31 January;	
<b>1367</b>	(c) to prepare each year the draft single programming document and to submit it to the management board for endorsement before it is sent to the Institutions by 31 January;	(c) to prepare each year the draft single programming document and to submit it to the management board for endorsement before it is sent to the Institutions by 31 January;	(c) to prepare each year the draft single programming document and to submit it to the management board for endorsement before it is sent to the Institutions by 31 January;	
<b>1368</b>	(d) to prepare each year the annual activity report on the Agency's activities and submit it to the management board;	(d) to prepare each year the annual activity report on the Agency's activities and submit it to the management board;	(d) to prepare each year the annual activity report on the Agency's activities and submit it to the management board;	
<b>1369</b>	(e) to draw up a draft statement of estimates of the revenues and expenditure of the Agency as part of the single programming document pursuant to Article 111, and implement the budget pursuant to Article 112;	(e) to draw up a draft statement of estimates of the revenues and expenditure of the Agency as part of the single programming document pursuant to Article 111, and implement the budget pursuant to Article 112;	(e) to draw up a draft statement of estimates of the revenues and expenditure of the Agency as part of the single programming document pursuant to Article 111, and implement the budget pursuant to Article 112;	
<b>1370</b>	(f) to delegate his or her powers to other members of the Agency's staff subject to rules to be adopted in accordance with the procedure referred to in Article 98(2) point 15;	(f) to delegate his or her powers to other members of the Agency's staff subject to rules to be adopted in accordance with the procedure referred to in Article 98(2) point 15;	(f) to delegate his or her powers to other members of the Agency's staff subject to rules to be adopted in accordance with the procedure referred to in Article 98(2) point 15;	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1371</b>	(g) to adopt a recommendation on measures in accordance with Article 33(9), including decisions proposing that Member States initiate and carry out joint operations, rapid border interventions or other action referred to in Article 37(2);	(g) to adopt a recommendation on measures in accordance with Article 33(9), including decisions proposing that Member States initiate and carry out joint operations, rapid border interventions or other action referred to in Article 37(2);	(g) to adopt a recommendation on measures in accordance with Article 33(9), including decisions proposing that Member States initiate and carry out joint operations, rapid border interventions or other action referred to in Article 37(2);	
<b>1372</b>	(h) to evaluate, approve and coordinate proposals made by Member States for joint operations or rapid border interventions in accordance with Article 38(3);	(h) to evaluate, approve and coordinate proposals made by Member States for joint operations or rapid border interventions in accordance with Article 38(3);	(h) to evaluate, approve and coordinate proposals made by Member States for joint operations or rapid border interventions in accordance with Article 38(3);	
<b>1373</b>	(i) to evaluate, approve and coordinate requests made by Member States for joint return operations and return interventions in accordance with Articles 51 and 54;	(i) to evaluate, approve and coordinate requests made by Member States for joint return operations and return interventions in accordance with Articles 51 and 54;	(i) to evaluate, approve and coordinate requests made by Member States for joint return operations and return interventions in accordance with Articles 51 and 54;	
<b>1374</b>	(j) to ensure the implementation of the operational plans referred to in Article 39, Article 43 and Article 54(4);	(j) to ensure the implementation of the operational plans referred to in Article 39, Article 43 and Article 54(4);	(j) to ensure the implementation of the operational plans referred to in Article 39, Article 43 and Article 54(4);	
<b>1375</b>	(k) to assess the request for assistance of a Member State for migration management support teams and the assessment of its needs, in coordination with relevant Union agencies in accordance with Article 41(3);	(k) to assess the request for assistance of a Member State for migration management support teams and the assessment of its needs, in coordination with relevant Union agencies in accordance with Article 41(3);	(k) to assess the request for assistance of a Member State for migration management support teams and the assessment of its needs, in coordination with relevant Union agencies in accordance with Article 41(3);	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1376</b>	(l) to ensure the implementation of the Commission decision referred to in Article 43(1);	(l) to ensure the implementation of the Commission decision referred to in Article 43(1);	(l) to ensure the implementation of the <del>Council</del> <u>Commission</u> decision referred to in Article 43(1);	
<b>1377</b>	(m) to withdraw financing of activities in accordance with Article 47;	(m) to withdraw financing of activities in accordance with Article 47;	(m) to withdraw financing of activities in accordance with Article 47;	
<b>1378</b>	(n) to evaluate the results of activities in accordance with Article 48;	(n) to evaluate the results of activities in accordance with Article 48;	(n) to evaluate the results of activities in accordance with Article 48;	
<b>1379</b>	(o) to identify the minimum number of items of technical equipment required to meet the Agency's needs, in particular as regards carrying out joint operations, migration management support team deployments, rapid border interventions, return operations and return interventions, in accordance with Article 64(5);	(o) to identify the minimum number of items of technical equipment required to meet the Agency's needs, in particular as regards carrying out joint operations, migration management support team deployments, rapid border interventions, return operations and return interventions, in accordance with Article 64(5);	(o) to identify the minimum number of items of technical equipment required to meet the Agency's needs, in particular as regards carrying out joint operations, migration management support team deployments, rapid border interventions, return operations and return interventions, in accordance with Article 64(5);	
<b>1380</b>	(p) to propose the establishment of an antenna office or the prolongation of its duration in accordance with Article 60(6);	(p) to propose the establishment of an antenna office or the prolongation of its duration in accordance with Article 60(6);	(p) to propose the establishment of an antenna office or the prolongation of its duration in accordance with Article 60(6);	
<b>1381</b>	(q) to appoint the heads of the antenna offices in accordance with Article 60(4);	(q) to appoint the heads of the antenna offices in accordance with Article 60(4);	(q) to appoint the heads of the antenna offices in accordance with Article 60(4);	
<b>1382</b>	(r) to prepare an action plan following up on the conclusions of internal or external audit reports and	(r) to prepare an action plan following up on the conclusions of internal or external audit reports and	(r) to prepare an action plan following up on the conclusions of internal or external audit reports and	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	evaluations, as well as investigations by the OLAF and to report on progress twice a year to the Commission and regularly to the management board;	evaluations, as well as investigations by the OLAF and to report on progress twice a year to the Commission and regularly to the management board;	evaluations, as well as investigations by the OLAF and to report on progress twice a year to the Commission and regularly to the management board;	
<b>1383</b>	(s) to protect the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and where appropriate imposing effective, proportionate and dissuasive administrative and financial penalties;	(s) to protect the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and where appropriate imposing effective, proportionate and dissuasive administrative and financial penalties;	(s) to protect the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and where appropriate imposing effective, proportionate and dissuasive administrative and financial penalties;	
<b>1384</b>	(t) to prepare an anti-fraud strategy for the Agency and present it to the management board for approval.	(t) to prepare an anti-fraud strategy for the Agency and present it to the management board for approval.	(t) to prepare an anti-fraud strategy for the Agency and present it to the management board for approval.	
<b>1385</b>	4. The executive director shall be accountable for his or her activities to the management board.	4. The executive director shall be accountable for his or her activities to the management board.	4. The executive director shall be accountable for his or her activities to the management board.	
<b>1386</b>	5. The executive director shall be the legal representative of the Agency.	5. The executive director shall be the legal representative of the Agency.	5. The executive director shall be the legal representative of the Agency.	
<b>1387</b>	Article 105		Article 105	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1388	Appointment of the executive director and the deputy executive directors	Appointment of the executive director and the deputy executive directors	Appointment of the executive director and the deputy executive directors	
1389	1. The Commission shall propose at least three candidates for the post of executive director and for the posts of each of the deputy executive directors based on a list following publication of the post in the Official Journal of the European Union and, as appropriate, other press or internet sites.	1. The <i>European Parliament and the Council</i> <del>Commission</del> shall <i>appoint by common accord the</i> <del>propose at least three candidates for the post of executive director and for the posts of each of the deputy executive directors</del> based on a list <i>drawn up by the Commission</i> following publication of the post in the Official Journal of the European Union and, as appropriate, other press or internet sites.	1. The Commission shall propose at least three candidates for the post of executive director and for the posts of each of the deputy executive directors based on a list following publication of the post in the Official Journal of the European Union and, as appropriate, other press or internet sites.	
1390	2. The executive director shall be appointed by the management board on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return, on the proposal from the Commission referred to in paragraph 1. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the	2. The executive director shall be <i>chosen</i> <del>appointed by the management board</del> on the grounds of merit, <i>independence</i> and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return <i>and after demonstrating a thorough knowledge of the role and activities of the Agency</i> , on the proposal from the Commission referred to in paragraph 1. Before appointment, the candidates proposed by the Commission shall be invited	2. The executive director shall be appointed by the management board on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return, on the proposal from the Commission referred to in paragraph 1. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the	



	Commission proposal	EP amendments	Council position	Compromise text proposals
	European Parliament and answer questions put by its or their members.	to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.	European Parliament and answer questions put by its or their members.	
1391	Following such a statement, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate.	<del>Following such a statement, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate.</del>	Following such a statement, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate.	
1392	The management board shall appoint the executive director taking these views into account. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	<del>The management board shall appoint the executive director taking these views into account. The management board shall take its decision by a two-thirds majority of all members with a right to vote.</del>	The management board shall appoint the executive director taking these views into account. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	
1393	If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.	<del>If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.</del>	If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.	
1394	Power to dismiss the executive director shall lie with the management board, acting on a proposal from the Commission.	Power to dismiss the executive director <i>and the deputy executive directors</i> shall lie with the <i>European Parliament and the Council</i> management board, acting on a	Power to dismiss the executive director shall lie with the management board, acting on a proposal from the Commission.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
		proposal from the Commission. <i>The European Parliament or the Council may request the Commission to present such a proposal.</i>		
1395		<i>The outgoing executive director or the deputy executive directors shall remain in office until the European Parliament and the Council appoint his or her replacement in accordance with this paragraph and paragraph 7b. In case of dismissal or if he or she no longer fulfils the conditions required for the performance of his or her duties, the termination of his or hers duties shall become effective immediately. The management board shall nominate an interim executive director or deputy executive director until a new executive director or deputy executive director has been appointed in accordance with paragraphs 1 or 4.</i>		
1396	3. The executive director shall be assisted by three deputy executive directors. Each deputy executive director shall be assigned a specific area of responsibility. If the executive director is absent or indisposed, one of the deputy	3. The executive director shall be assisted by three deputy executive directors. Each deputy executive director shall be assigned a specific area of responsibility. If the executive director is absent or indisposed, one of the deputy	3. The executive director shall be assisted by three deputy executive directors. Each deputy executive director shall be assigned a specific area of responsibility. If the executive director is absent or indisposed, one of the deputy	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	executive directors shall take his or her place.	executive directors shall take his or her place.	executive directors shall take his or her place.	
1397	4. The deputy executive directors shall be appointed by the management board on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of management of the external borders and return, on the proposals from the Commission referred to in paragraph 1, after having consulted the executive director. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	4. The deputy executive directors shall be appointed by the management board <b><i>on the proposal of the executive director. The deputy executive directors shall be appointed</i></b> on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of management of the external borders and return, <del>on the proposals from the Commission referred to in paragraph 1,</del> <b><i>and</i></b> after having consulted <b><i>demonstrating a thorough knowledge of the role and activities of the Agency.</i></b> The executive director <b><i>shall propose at least three candidates for the each post of deputy executive director.</i></b> The management board shall take its decision by a two-thirds majority of all members with a right to vote. <b><i>The outgoing deputy executive directors shall remain in office until the management board appoints their replacement in accordance with this paragraph.</i></b>	4. The deputy executive directors shall be appointed by the management board on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of management of the external borders and return, on the proposals from the Commission referred to in paragraph 1, after having consulted the executive director. The management board shall take its decision by a two-thirds majority of all members with a right to vote.	
1398	The management board shall have the power to dismiss the deputy	The <del>management board</del> <b><i>European Parliament and the Council</i></b> shall	The management board shall have the power to dismiss the deputy	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	executive directors in accordance with the procedure set out in the first subparagraph.	have the power to dismiss the deputy executive directors in accordance with the procedure set out in <b>paragraph 2</b> <del>the first subparagraph</del> .	executive directors in accordance with the procedure set out in the first subparagraph.	
<b>1399</b>	5. The term of office of the executive director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the executive director's performance and the Agency's future tasks and challenges.	5. The term of office of the executive director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the executive director's performance and the Agency's future tasks and challenges. <b><i>The European Parliament and the Council may extend the term of the executive director once, for another period of five years, by common accord.</i></b>	5. The term of office of the executive director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the executive director's performance and the Agency's future tasks and challenges.	
<b>1400</b>	6. The management board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the executive director once, for another period of up to five years.	<del>6. — The management board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the executive director once, for another period of up to five years.</del>	6. The management board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the executive director once, for another period of up to five years.	
<b>1401</b>	7. The term of the office of the deputy executive directors shall be five years. It may be extended by the management board once, for another period of up to five years.	7. The term of the office of the deputy executive directors shall be five years. It may be extended by the management board once, <b><i>on the proposal of the executive director</i></b> , for another period of up to five years.	7. The term of the office of the deputy executive directors shall be five years. It may be extended by the management board once, for another period of up to five years.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1402	8. The executive director and the deputy executive directors shall be engaged as temporary agents of the Agency under Article 2(a) of the Conditions of Employment of Other servants.	8. The executive director and the deputy executive directors shall be engaged as temporary agents of the Agency under Article 2(a) of the Conditions of Employment of Other servants.	8. The executive director and the deputy executive directors shall be engaged as temporary agents of the Agency under Article 2(a) of the Conditions of Employment of Other servants.	
1403	Article 106		Article 106	
1404	Consultative forum	Consultative forum	Consultative forum	
1405	1. A consultative forum shall be established by the Agency to assist the executive director and the management board with independent advice in fundamental rights matters.	1. A consultative forum shall be established by the Agency to assist <del>it the executive director and the management board</del> with independent advice in fundamental rights matters.	1. A consultative forum shall be established by the Agency to assist the executive director and the management board with independent advice in fundamental rights matters.	
1406	2. The Agency shall invite EASO, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the consultative forum. On a proposal by the executive director, the management board shall decide on the composition of the consultative forum and the terms of the transmission of information to the consultative forum. The consultative forum shall, after consulting the management board and the executive	2. The Agency shall invite <del>EASO</del> <b><i>[the European Union Agency for Asylum]</i></b> , the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the consultative forum. On a proposal by the <del>executive director</del> <b><i>fundamental rights officer</i></b> , the management board shall decide on the composition of the consultative forum and the terms of the transmission of information to the consultative forum. The consultative forum shall, after consulting the management board	2. The Agency shall invite EASO, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the consultative forum. On a proposal by the executive director, the management board shall decide on the composition of the consultative forum and the terms of the transmission of information to the consultative forum. The consultative forum shall, after consulting the management board and the executive	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	director, define its working methods and set up its work programme.	and the executive director, define its working methods and set up its work programme.	director, define its working methods and set up its work programme.	
1407	3. The consultative forum shall be consulted on the further development and implementation of the fundamental rights strategy, on the establishment of the complaints mechanism, on codes of conduct and on common core curricula.	3. The consultative forum shall be consulted on the further development and implementation of the fundamental rights strategy, on the establishment of the complaints mechanism, on codes of conduct, <i>on working arrangements or other projects in cooperation with third countries, on operational plans</i> and on common core curricula <i>as well as on establishing the criteria referred to in Article 12 and Article 24. The Agency shall inform the consultative forum whether and how it has implemented the reports and recommendations of the consultative forum.</i>	3. The consultative forum shall be consulted on the further development and implementation of the fundamental rights strategy, on the establishment of the complaints mechanism, on codes of conduct and on common core curricula.	
1408	4. The consultative forum shall prepare an annual report of its activities. That report shall be made publicly available.	4. The consultative forum shall prepare an annual report of its activities. That report shall be made publicly available.	4. The consultative forum shall prepare an annual report of its activities. That report shall be made publicly available.	
1409	5. Without prejudice to the tasks of the fundamental rights officer, the consultative forum shall have effective access to all information concerning the respect for fundamental rights, including by	5. Without prejudice to the tasks of the fundamental rights officer, the consultative forum shall have effective access to all information concerning the respect for fundamental rights <i>in a timely</i>	5. Without prejudice to the tasks of the fundamental rights officer, the consultative forum shall have effective access to all information concerning the respect for fundamental rights, including by	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	carrying out on-the-spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State, and to hotspot areas or controlled centres, return operations and return interventions.	<i>and effective manner</i> , including by carrying out on-the-spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State, <del>and to hotspot areas or controlled centres,</del> <i>and to return operations and return interventions, including in third countries. Where the host Member State exceptionally does not agree with an on-the-spot visit of the consultative forum to a joint operation or rapid border intervention carried out in its territory it shall provide duly justified reasons in a letter to the executive director and the management board.</i>	carrying out on-the-spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State, and to hotspot areas <del>or controlled centres,</del> return operations and return interventions.	
1410		<i>The consultative forum shall be supported by a secretariat which shall have sufficient financial and human resources to assist the forum in its tasks.</i>		
1411	Article 107		Article 107	
1412	Fundamental rights officer	Fundamental rights officer	Fundamental rights officer	
1413	1. A fundamental rights officer shall be appointed by the management board. He or she shall have the tasks of contributing to the Agency's	1. A fundamental rights officer shall be appointed by the management board, <i>based on a list of three candidates recommended by</i>	1. A fundamental rights officer shall be appointed by the management board. He or she shall have the tasks of contributing to the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	fundamental rights strategy, of monitoring its compliance with fundamental rights and of promoting its respect of fundamental rights. The fundamental rights officer shall have the necessary qualifications and experience in the field of fundamental rights.	<i>the consultative forum</i> . He or she shall have the tasks of contributing to the Agency's fundamental rights strategy, of monitoring its compliance with fundamental rights and of promoting its respect of fundamental rights. The fundamental rights officer shall have the necessary qualifications <del>and</del> , <i>expert knowledge and professional</i> experience in the field of fundamental rights.	Agency's fundamental rights strategy, of monitoring its compliance with fundamental rights and of promoting its respect of fundamental rights. The fundamental rights officer shall have the necessary qualifications and experience in the field of fundamental rights.	
1414		<i>1 a. The fundamental rights officer shall have the power to conduct investigations into any of the activities of the Agency to verify the respect of fundamental rights. He or she shall advise the Agency without delay by issuing formal opinions prior to any activity of the Agency under this Regulation and by issuing recommendations for improving the Agency's fundamental rights strategy which requires his or her endorsement, as well as by establishing the conditions for compliance with fundamental rights and promoting respect of fundamental rights. The fundamental rights officer shall also be responsible for further</i>		



	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>developing and implementing the complaints mechanism.</i>		
1415	2. The fundamental rights officer shall be independent in the performance of his or her duties. He or she shall report directly to the management board and cooperate with the consultative forum. The fundamental rights officer shall so report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.	2. <i>Special rules applicable to the fundamental rights officer shall be laid down by the Agency, in consultation with the consultative forum and the fundamental rights officer, in order to guarantee that the fundamental rights officer is independent in the performance of his or her duties. He or she shall report directly to the management board and cooperate with the consultative forum. The fundamental rights officer shall so publish an annual report on a regular basis and as such contribute to the mechanism for monitoring his or her activities and on the respect of fundamental rights in all activities of the Agency. Those reports shall include information on the complaints mechanism and the implementation of the fundamental rights strategy. The management board shall ensure that action is taken with regard to recommendations of the fundamental rights officer.</i>	2. The fundamental rights officer shall be independent in the performance of his or her duties. He or she shall report directly to the management board and cooperate with the consultative forum. The fundamental rights officer shall so report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.	
1416		2a. <i>The fundamental rights officer shall have full administrative autonomy and independence in the</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<p><i>conduct of his or her duties. He or she shall not be given any instructions nor be restricted in any way as regards the performance of the functions which, by virtue of his or her appointment, are assigned to him or her under this Regulation. The fundamental rights officer shall have adequate resources and staff at his or her disposal, necessary for the fulfilment of his or her the tasks of and corresponding to the mandate and the size of the Agency. Staff allocated to the fundamental rights officer shall report to him or her. Any regular or extraordinary assignment of staff to the Agency shall be accompanied with the proportional allocation of staff to support the fundamental rights officer.</i></p>		
1417		<p><i>2b. The fundamental rights officer shall be assisted by a deputy fundamental rights officer. A deputy fundamental rights officer shall be appointed by the management board from a list of at least three candidates presented by the fundamental rights officer. The deputy fundamental rights officer shall have the necessary</i></p>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>qualifications and experience in the field of fundamental rights. If the fundamental rights officer is absent or indisposed, the deputy fundamental rights officer shall take his or her place.</i>		
<b>1418</b>	3. The fundamental rights officer shall be consulted on the operational plans drawn up in accordance with Articles 39, 43, 54(4) and 75(3). He or she shall have access to all information concerning respect for fundamental rights in all the activities of the Agency.	3. The fundamental rights officer shall be consulted on the operational plans drawn up in accordance with Articles 39, <del>43, 54(4) and 75(3)</del> <b>40, 41, 43, 51, 54 and 75 as well as on pilot projects and technical assistance projects in third countries</b> . He or she shall have access to all information concerning respect for fundamental rights in all the activities of the Agency, <b>including by carrying out on-the-spot visits to any joint operation, rapid border intervention, pilot project, migration management support team, return operation or return intervention, including in third countries.</b>	3. The fundamental rights officer shall be consulted on the operational plans drawn up in accordance with Articles 39, 43, 54(4) and 75(3). He or she shall have access to all information concerning respect for fundamental rights in all the activities of the Agency.	
<b>1419</b>	Article 108		Article 108	
<b>1420</b>	Complaints mechanism	Complaints mechanism	Complaints mechanism	
<b>1421</b>	1. The Agency shall, in cooperation with the fundamental rights officer, take the necessary measures to set up	1. The Agency shall, in cooperation with the fundamental rights officer, take the necessary	1. The Agency shall, in cooperation with the fundamental rights officer, take the necessary	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	a complaints mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency.	measures to set up <i>and further develop a complaints-an independent and effective complaints</i> mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency.	measures to set up a complaints mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency.	
1422	2. Any person who is directly affected by the actions of staff involved in a joint operation, pilot project, rapid border intervention, migration management support team deployment, joint return operation or return intervention and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency.	2. Any person who is directly affected by the actions <i>or omissions</i> of staff involved in a joint operation, pilot project, rapid border intervention, migration management support team deployment, joint return operation, <del>or</del> return intervention <i>or any other operational action of the Agency</i> and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions <i>or omissions</i> , or any party representing such a person, may submit a complaint in writing to the Agency.	2. Any person who is directly affected by the actions of staff involved in a joint operation, pilot project, rapid border intervention, migration management support team deployment, joint return operation or return intervention and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency.	
1423	3. Only substantiated complaints involving concrete fundamental rights violations shall be admissible.	3. Only <i>complaints that are substantiated and involve concrete fundamental rights violations shall be admissible</i> . Complaints <del>involving concrete fundamental rights violations</del> <i>which are ill founded, malicious, frivolous, vexatious, hypothetical or unidentifiable shall</i>	3. Only substantiated complaints involving concrete fundamental rights violations shall be admissible.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>be excluded from the complaints mechanism.</i> shall be admissible.		
1424	4. The fundamental rights officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the fundamental rights officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the executive director, forward complaints concerning members of the teams to the home Member State, inform the relevant authority or body competent for fundamental rights in a Member State, and register and ensure the follow-up by the Agency or that Member State.	4. The fundamental rights officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the fundamental rights officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the executive director, <del>forward</del> <b>and</b> complaints concerning members of the teams to the home Member State, <del>inform</del> <b>including</b> the relevant authority or body competent for fundamental rights in a Member State <b>for further action in accordance with their mandate, within a specified time. The fundamental rights officer shall also</b> <del>and</del> register and ensure the follow-up by the Agency or that Member State.	4. The fundamental rights officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the fundamental rights officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the executive director, forward complaints concerning members of the teams to the home Member State, inform the relevant authority or body competent for fundamental rights in a Member State, and register and ensure the follow-up by the Agency or that Member State.	
1425	5. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response	5. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response	5. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	may be expected as soon as it becomes available. If a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. If a complaint is not admissible, complainants shall be informed of the reasons and, if possible, provided with further options for addressing their concerns.	may be expected as soon as it becomes available. If a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. If a complaint is <del>not admissible</del> <b>declared inadmissible</b> , complainants shall be informed of the reasons and, if possible, provided with further options for addressing their concerns. <b><i>Complainants shall be granted the possibility to appeal a decision declaring the complaint inadmissible to the European Ombudsman.</i></b>	may be expected as soon as it becomes available. If a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. If a complaint is not admissible, complainants shall be informed of the reasons and, if possible, provided with further options for addressing their concerns.	
1426	Any decision shall be in written form and reasoned.	Any decision shall be in written form and reasoned. <b><i>The fundamental rights officer shall reopen the case if the complainant submits new evidence in situations where the case has been deemed inadmissible.</i></b>	Any decision shall be in written form and reasoned.	
1427	6. In the case of a registered complaint concerning a staff member of the Agency, the executive director shall ensure appropriate follow-up, in consultation with the fundamental rights officer, including disciplinary measures as necessary. The executive director shall report back within a	6. In <del>the</del> case of a registered complaint concerning a staff member of the Agency, the <del>executive director</del> <b><i>fundamental rights officer</i></b> shall ensure appropriate follow-up, <del>in consultation with the fundamental rights officer,</del> including <b><i>recommending</i></b> disciplinary measures	6. In the case of a registered complaint concerning a staff member of the Agency, the executive director shall ensure appropriate follow-up, in consultation with the fundamental rights officer, including disciplinary measures as necessary. The executive director shall report back within a	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	<p>determined timeframe to the fundamental rights officer as to the findings and follow-up made by the Agency in response to a complaint, including disciplinary measures as necessary.</p>	<p><i>to the executive director, and referral to civil or criminal justice procedures as necessary in accordance with this Regulation and national law.</i> The executive director shall report back <i>to the fundamental rights officer regarding the implementation of disciplinary measures</i> within a determined timeframe, <i>and if necessary, at regular intervals thereafter. Where the executive director decides not to follow up the recommendation, he or she shall provide the reasons without delay. In the case of civil or criminal justice proceedings, the relevant Member State shall report back</i> to the fundamental rights officer as to the findings and follow-up made by the Agency in response to a complaint, including disciplinary measures as <i>within a determined timeframe, and if necessary, at regular intervals thereafter. Where the relevant Member State does not report back, the Agency shall send a letter of warning recalling the possible actions which the Agency can take if no follow-up is received to the letter.</i></p>	<p>determined timeframe to the fundamental rights officer as to the findings and follow-up made by the Agency in response to a complaint, including disciplinary measures as necessary.</p>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1428	If a complaint is related to data protection issues, the executive director shall involve the data protection officer of the Agency. The fundamental rights officer and the data protection officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.	If a complaint is related to data protection issues, the executive director shall <del>involve the</del> <i>consult the Agency's</i> data protection officer <del>of the Agency</del> <i>before taking his or her decision on the complaint</i> . The fundamental rights officer and the data protection officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.	If a complaint is related to data protection issues, the executive director shall involve the data protection officer of the Agency. The fundamental rights officer and the data protection officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.	
1429	7. If a complaint is registered that concerns a team member of a host Member State or a team member from other participating Member States, including a seconded member of the teams or seconded national expert, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer as to the findings and follow-up made in response to the complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-	7. <del>If a complaint is registered that concerns a team member</del> <i>In case of a border guard</i> of a host Member State or a team member from other participating Member States, including a seconded member <del>members</del> of the teams or seconded national expert <del>experts</del> , the home Member State shall ensure appropriate follow-up, including disciplinary measures <i>and referral to civil or criminal justice procedures</i> as necessary or other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer as to the findings and follow-up	7. If a complaint is registered that concerns a team member of a host Member State or a team member from other participating Member States, including a seconded member of the teams or seconded national expert, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer as to the findings and follow-up made in response to the complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-	



	Commission proposal	EP amendments	Council position	Compromise text proposals
	up the matter if no report is received from the relevant Member State.	<del>made in response to the</del> <i>to a</i> complaint within a <del>determined time period</del> <i>one year</i> , and if necessary, at regular intervals thereafter. <i>In case the relevant Member State does not report back</i> , the Agency shall <i>send a letter of warning recalling the possible actions which the Agency can take if no</i> follow-up <del>the matter if no report is received</del> <i>to the letter</i> . <i>In such a case, the fundamental rights officer shall inform the management board and the relevant authority or body competent for fundamental rights in a Member State as referred to in paragraph 4. The Agency may suspend the deployment of that team member and financing of such deployment under Article 61 if the report is not received</i> from the relevant Member State.	up the matter if no report is received from the relevant Member State.	
1430	8. Where a team member is found to have violated fundamental rights or international protection obligations, the Agency may request that the Member State remove that member immediately from the activity of the Agency or the European Border and Coast Guard standing corps.	8. Where a team member is found to have violated fundamental rights or international protection obligations, the Agency <del>may</del> <i>shall</i> request that the Member State remove that member immediately from the activity of the Agency or the	8. Where a team member is found to have violated fundamental rights or international protection obligations, the Agency may request that the Member State remove that member immediately from the activity of the Agency or the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
		European Border and Coast Guard standing corps.	European Border and Coast Guard standing corps.	
1431	9. The fundamental rights officer shall report to the executive director and to the management board as to the Agency's and Member States' findings and follow-up made in response to complaints. The Agency shall include information on the complaints mechanism in its annual report.	9. The fundamental rights officer shall <i>in his or her annual report include information on the complaints mechanism, including specific references to the executive director and to the management board</i> as to the Agency's and Member States' findings and <del>follow-up</del> <i>follow-ups</i> made in response to complaints. <del>The Agency shall include information on the complaints mechanism in its annual report.</del>	9. The fundamental rights officer shall report to the executive director and to the management board as to the Agency's and Member States' findings and follow-up made in response to complaints. The Agency shall include information on the complaints mechanism in its annual report.	
1432	10. The fundamental rights officer shall, in accordance with the provisions set out in paragraphs 1 to 9 and after consulting the consultative forum, draw up a standardised complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The fundamental rights officer shall also draw up any further detailed rules as necessary. The fundamental rights officer shall submit that form and such further detailed rules to the	10. The fundamental rights officer shall, in accordance with the provisions set out in paragraphs 1 to 9 and after consulting the consultative forum, draw up a standardised complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The fundamental rights officer shall also draw up any further detailed rules as necessary. The fundamental rights officer shall submit that form and such further detailed rules to the	10. The fundamental rights officer shall, in accordance with the provisions set out in paragraphs 1 to 9 and after consulting the consultative forum, draw up a standardised complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The fundamental rights officer shall also draw up any further detailed rules as necessary. The fundamental rights officer shall submit that form and such further detailed rules to the	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	executive director and to the management board.	executive director and to the management board.	executive director and to the management board.	
1433	The Agency shall ensure that information about the possibility and procedure for making a complaint is readily available, including for vulnerable persons. The standardised complaint form shall be made available on the Agency's website and in hardcopy during all activities of the Agency, in languages that third-country nationals understand or are reasonably believed to understand. Complaints shall be considered by the fundamental rights officer even when they are not submitted in the standardised complaint form.	The Agency shall ensure that information about the possibility and procedure for making a complaint is readily available, including for vulnerable persons. The standardised complaint form shall be made available <i>and be easily accessible</i> on the Agency's website, <i>ensuring easy use on mobile devices</i> , and in hardcopy during all activities of the Agency in languages that third-country nationals understand or are reasonably believed to understand. <i>The Agency shall ensure that further guidance and assistance on the complaints procedure is provided to complainants.</i> Complaints shall be considered by the fundamental rights officer even when they are not submitted in the standardised complaint form.	The Agency shall ensure that information about the possibility and procedure for making a complaint is readily available, including for vulnerable persons. The standardised complaint form shall be made available on the Agency's website and in hardcopy during all activities of the Agency, in languages that third-country nationals understand or are reasonably believed to understand. Complaints shall be considered by the fundamental rights officer even when they are not submitted in the standardised complaint form.	
1434	11. Any personal data contained in a complaint shall be handled and processed by the Agency including the fundamental rights officer in accordance with [Regulation (EC) No 45/2001] and by Member States	11. Any personal data contained in a complaint shall be handled and processed by the Agency including the fundamental rights officer in accordance with [ <del>Regulation (EC) No 45/2001</del> ] <b>Regulation</b>	11. Any personal data contained in a complaint shall be handled and processed by the Agency including the fundamental rights officer in accordance with [ <del>Regulation EU 2018/1725 (EC) No 45/2001</del> ] and by	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680.	<i>(EU) 2018/1725</i> and by Member States in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680.	Member States in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680.	
<b>1435</b>	When a complainant submits a complaint, that complainant shall be understood to consent to the processing of his or her personal data by the Agency and the fundamental rights officer within the meaning of point (d) of Article 5 of [Regulation (EC) No 45/2001].	When a complainant submits a complaint, that complainant shall be understood to consent to the processing of his or her personal data by the Agency and the fundamental rights officer within the meaning of point (d) of Article 5 of <i>Regulation (EU) 2018/1725</i> [ <del>Regulation (EC) No 45/2001</del> ].	When a complainant submits a complaint, that complainant shall be understood to consent to the processing of his or her personal data by the Agency and the fundamental rights officer within the meaning of point (d) of Article 5 of [Regulation (EC) No 45/2001].	
<b>1436</b>	In order to safeguard the interests of the complainants, complaints shall be dealt with confidentially by the fundamental rights officer in accordance with national and Union law unless the complainant explicitly waives his or her right to confidentiality. When complainants waive their right to confidentiality, it shall be understood that they consent to the fundamental rights officer or the Agency disclosing their identity to the competent authorities or bodies in relation to the matter under complaint, where necessary.	In order to safeguard the interests of the complainants, complaints shall be dealt with confidentially by the fundamental rights officer in accordance with national and Union law unless the complainant explicitly waives his or her right to confidentiality. When complainants waive their right to confidentiality, it shall be understood that they consent to the fundamental rights officer or the Agency disclosing their identity to the competent authorities or bodies in relation to the matter under complaint, where necessary.	In order to safeguard the interests of the complainants, complaints shall be dealt with confidentially by the fundamental rights officer in accordance with national and Union law unless the complainant explicitly waives his or her right to confidentiality. When complainants waive their right to confidentiality, it shall be understood that they consent to the fundamental rights officer or the Agency disclosing their identity to the competent authorities or bodies in relation to the matter under complaint, where necessary.	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1437</b>	Article 109		Article 109	
<b>1438</b>	Language arrangements		Language arrangements	
<b>1439</b>	1. The provisions laid down in Regulation No 1 <sup>4</sup> shall apply to the Agency.	1. The provisions laid down in Regulation No 1 shall apply to the Agency.	1. The provisions laid down in Regulation No 1 <sup>5</sup> shall apply to the Agency.	
<b>1440</b>	2. Without prejudice to decisions taken on the basis of Article 342 TFEU, the annual activity report and the work programme referred to in points (10) and (11) of Article 98(2) shall be produced in all official languages of the Union.	2. Without prejudice to decisions taken on the basis of Article 342 TFEU, the annual activity report and the work programme referred to in points (10) and (11) of Article 98(2) shall be produced in all official languages of the Union.	2. Without prejudice to decisions taken on the basis of Article 342 TFEU, the annual activity report and the work programme referred to in points (10) and (11) of Article 98(2) shall be produced in all official languages of the Union.	
<b>1441</b>	3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for bodies of the European Union.	3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for bodies of the European Union.	3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for bodies of the European Union.	
<b>1442</b>	Article 110		Article 110	

<sup>4</sup> Regulation N° 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ 17,6.10.1958, p.385).

<sup>5</sup> Regulation N° 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ 17,6.10.1958, p.385).

	Commission proposal	EP amendments	Council position	Compromise text proposals
1443	Transparency and communication		Transparency and communication	
1444	1. The Agency shall be subject to Regulation (EC) No 1049/2001 when handling applications for access to documents held by it.	1. The Agency shall be subject to Regulation (EC) No 1049/2001 when handling applications for access to documents held by it.	1. The Agency shall be subject to Regulation (EC) No 1049/2001 when handling applications for access to documents held by it.	
1445	2. The Agency shall communicate on matters falling within the scope of its tasks on its own initiative. It shall make public relevant information including the annual activity report referred to in point (10) of Article 98(2) and ensure, without prejudice to Article 91, in particular that the public and any interested party are rapidly given objective, comprehensive, reliable and easily understandable information with regard to its work. It shall do so without revealing operational information which, if made public, would jeopardise attainment of the objective of operations.	2. The Agency shall communicate on matters falling within the scope of its tasks on its own initiative. It shall make public relevant information including the annual activity report referred to in point <del>(10)</del> (j) of Article 98(2), <b><i>the annual work programme, the code of conduct, the risk analyses, detailed descriptions of past and current joint operations, rapid border interventions, pilot projects, migration management support teams, return operations or return interventions, including in third countries, and working arrangements</i></b> and ensure, without prejudice to Article 91, in particular that the public and any interested party are rapidly given objective, <b><i>detailed</i></b> , comprehensive, reliable and easily understandable information with regard to its work. It shall do so without revealing operational	2. The Agency shall communicate on matters falling within the scope of its tasks on its own initiative. It shall make public relevant information including the annual activity report referred to in point (10) of Article 98(2) and ensure, without prejudice to Article 91, in particular that the public and any interested party are rapidly given objective, comprehensive, reliable and easily understandable information with regard to its work. It shall do so without revealing operational information which, if made public, would jeopardise attainment of the objective of operations.	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
		information which, if made public, would jeopardise attainment of the objective of operations.		
<b>1446</b>	3. The management board shall lay down the practical arrangements for the application of paragraphs 1 and 2.	3. The management board shall lay down the practical arrangements for the application of paragraphs 1 and 2.	3. The management board shall lay down the practical arrangements for the application of paragraphs 1 and 2.	
<b>1447</b>	4. Any natural or legal person shall be entitled to address written correspondence to the Agency in any of the official languages of the Union. He or she shall have the right to receive an answer in the same language.	4. Any natural or legal person shall be entitled to address written correspondence to the Agency in any of the official languages of the Union. He or she shall have the right to receive an answer in the same language.	4. Any natural or legal person shall be entitled to address written correspondence to the Agency in any of the official languages of the Union. He or she shall have the right to receive an answer in the same language.	
<b>1448</b>	5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to a complaint being lodged with the European Ombudsman or to an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 TFEU respectively.	5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to a complaint being lodged with the European Ombudsman or to an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 TFEU respectively.	5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to a complaint being lodged with the European Ombudsman or to an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 TFEU respectively.	
<b>1449</b>	Section 5		Section 5	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1450</b>	Financial requirements		Financial requirements	
<b>1451</b>	Article 111		Article 111	
<b>1452</b>	Budget		Budget	
<b>1453</b>	1. The revenue of the Agency shall consist, without prejudice to other types of income, of:	1. The revenue of the Agency shall consist, without prejudice to other types of income, of:	1. The revenue of the Agency shall consist, without prejudice to other types of income, of:	
<b>1454</b>	(a) a contribution from the Union entered in the general budget of the European Union (Commission section);	(a) a contribution from the Union entered in the general budget of the European Union (Commission section);	(a) a contribution from the Union entered in the general budget of the European Union (Commission section);	
<b>1455</b>	(b) a contribution from the countries associated with the implementation, application and development of the Schengen acquis, as established in the respective arrangements that specify their financial contribution;	(b) a contribution from the countries associated with the implementation, application and development of the Schengen acquis, as established in the respective arrangements that specify their financial contribution;	(b) a contribution from the countries associated with the implementation, application and development of the Schengen acquis, as established in the respective arrangements that specify their financial contribution;	
<b>1456</b>	(c) Union funding in the form of contribution agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article 115 and with the provisions of the relevant instruments supporting the policies of the Union;	(c) Union funding in the form of contribution agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article 115 and with the provisions of the relevant instruments supporting the policies of the Union;	(c) Union funding in the form of contribution agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article 115 and with the provisions of the relevant instruments supporting the policies of the Union;	
<b>1457</b>	(d) fees for services provided;	(d) fees for services provided;	(d) fees for services provided;	



	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1458</b>	(e) any voluntary contribution from the Member States.	(e) any voluntary contribution from the Member States.	(e) any voluntary contribution from the Member States.	
<b>1459</b>	2. The expenditure of the Agency shall include its administrative, infrastructure, operational and staff-related expenses.	2. The expenditure of the Agency shall include its administrative, infrastructure, operational and staff-related expenses.	2. The expenditure of the Agency shall include its administrative, infrastructure, operational and staff-related expenses.	
<b>1460</b>	3. The executive director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including an establishment plan, and shall forward it to the management board.	3. The executive director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including an establishment plan, and shall forward it to the management board.	3. The executive director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including an establishment plan, and shall forward it to the management board.	
<b>1461</b>	4. Revenue and expenditure shall be balanced.	4. Revenue and expenditure shall be balanced.	4. Revenue and expenditure shall be balanced.	
<b>1462</b>	5. The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the European Parliament, to the Council and to the Commission by 31 January every year, as part of the draft single programming document.	5. The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the European Parliament, to the Council and to the Commission by 31 January every year, as part of the draft single programming document.	5. The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the European Parliament, to the Council and to the Commission by 31 January every year, as part of the draft single programming document.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1463		<i>The provisional draft estimate shall be based on the detailed objectives and the expected results of the annual work programme and shall take into account the financial resources necessary to achieve those objectives and results, in accordance with the principle of performance-based budgeting.</i>		
1464	6. The management board shall send the final draft estimates of the Agency's revenue and expenditure including the draft establishment plan accompanied by the preliminary work programme to the Commission by 31 March every year.	6. The management board shall send the final draft estimates of the Agency's revenue and expenditure including the draft establishment plan accompanied by the preliminary work programme to the Commission by 31 March every year.	6. The management board shall send the final draft estimates of the Agency's revenue and expenditure including the draft establishment plan accompanied by the preliminary work programme to the Commission by 31 March every year.	
1465	7. The estimate shall be forwarded by the Commission to the budgetary authority together with the draft budget of the European Union.	7. The estimate shall be forwarded by the Commission to the budgetary authority together with the draft budget of the European Union.	7. The estimate shall be forwarded by the Commission to the budgetary authority together with the draft budget of the European Union.	
1466	8. On the basis of the estimate, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the	8. On the basis of the estimate, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the	8. On the basis of the estimate, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	budgetary authority in accordance with Articles 313 and 314 TFEU.	budgetary authority in accordance with Articles 313 and 314 TFEU.	budgetary authority in accordance with Articles 313 and 314 TFEU.	
<b>1467</b>	9. The budgetary authority shall authorise appropriations for the contribution to the Agency.	9. The budgetary authority shall authorise appropriations for the contribution to the Agency.	9. The budgetary authority shall authorise appropriations for the contribution to the Agency.	
<b>1468</b>	10. The budgetary authority shall adopt the establishment plan for the Agency.	10. The budgetary authority shall adopt the establishment plan for the Agency.	10. The budgetary authority shall adopt the establishment plan for the Agency.	
<b>1469</b>	11. The management board adopts the Agency's budget. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.	11. The management board adopts the Agency's budget. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.	11. The management board adopts the Agency's budget. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.	
<b>1470</b>	12. Any modification to the budget, including the establishment plan, shall follow the same procedure.	12. Any modification to the budget, including the establishment plan, shall follow the same procedure.	12. Any modification to the budget, including the establishment plan, shall follow the same procedure.	
<b>1471</b>	13. For any building project likely to have significant implications for the budget of the Agency, the provisions of Commission Delegated Regulation (EU) No 1271/2013 <sup>6</sup> shall apply.	13. For any building project likely to have significant implications for the budget of the Agency, the provisions of Commission Delegated Regulation (EU) No 1271/2013 <sup>7</sup> shall apply.	13. For any building project likely to have significant implications for the budget of the Agency, the provisions of Commission Delegated	

<sup>6</sup> Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

<sup>7</sup> Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
			Regulation (EU) No 1271/2013 <sup>8</sup> shall apply.	
<b>1472</b>	14. To finance the deployment of rapid border interventions and return interventions, the budget of the Agency adopted by the management board shall include a financial operational reserve amounting at least to 2 % of the allocation foreseen jointly for the joint operations at the external border and operational activities in the area of return. After the end of each month, the Executive Director may decide to reallocate a sum equivalent to one twelfth of the appropriations of the reserve to other operational activities of the Agency. In such case, the Executive director shall inform the Management Board.	14. To finance the deployment of rapid border interventions and return interventions, the budget of the Agency adopted by the management board shall include a financial operational reserve amounting at least to 2 % of the allocation foreseen jointly for the joint operations at the external border and operational activities in the area of return. After the end of each month, the Executive Director may decide to reallocate a sum equivalent to one twelfth of the appropriations of the reserve to other operational activities of the Agency. In such case, the Executive director shall inform the Management Board.	14. To finance the deployment of rapid border interventions and return interventions, the budget of the Agency adopted by the management board shall include a financial operational reserve amounting at least to 2 % of the allocation foreseen jointly for the joint operations at the external border and operational activities in the area of return. After the end of each month, the Executive Director may decide to reallocate a sum equivalent to one twelfth of the appropriations of the reserve to other operational activities of the Agency. In such case, the Executive Director shall inform the Management Board.	
<b>1473</b>	15. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.	15. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.	15. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.	
<b>1474</b>	Article 112		Article 112	

<sup>8</sup> Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1475</b>	Implementation and control of the budget	Implementation and control of the budget	Implementation and control of the budget	
<b>1476</b>	1. The executive director shall implement the Agency's budget.	1. The executive director shall implement the Agency's budget.	1. The executive director shall implement the Agency's budget.	
<b>1477</b>	2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>9</sup> .	2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>10</sup> .	2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>11</sup> .	
<b>1478</b>	3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council	3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council	3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council	

<sup>9</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) N° 1605/2008 (OJ L 298, 26.10.2012, p.1).

<sup>10</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) N° 1605/2008 (OJ L 298, 26.10.2012, p.1).

<sup>11</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) N° 1605/2008 (OJ L 298, 26.10.2012, p.1).

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	and the Court of Auditors by 31 March of year N + 1.	and the Court of Auditors by 31 March of year N + 1.	and the Court of Auditors by 31 March of year N + 1.	
<b>1479</b>	4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.	4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.	4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.	
<b>1480</b>	5. On receipt of the Court of Auditors' observations on the Agency's provisional accounts for year N, pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012, the executive director shall draw up the Agency's final accounts under his or her own responsibility and forward them to the management board for an opinion.	5. On receipt of the Court of Auditors' observations on the Agency's provisional accounts for year N, pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012, the executive director shall draw up the Agency's final accounts under his or her own responsibility and forward them to the management board for an opinion.	5. On receipt of the Court of Auditors' observations on the Agency's provisional accounts for year N, pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012, the executive director shall draw up the Agency's final accounts under his or her own responsibility and forward them to the management board for an opinion.	
<b>1481</b>	6. The management board shall deliver an opinion on the Agency's final accounts for year N.	6. The management board shall deliver an opinion on the Agency's final accounts for year N.	6. The management board shall deliver an opinion on the Agency's final accounts for year N.	
<b>1482</b>	7. By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.	7. By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.	7. By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1483</b>	8. The final accounts for year N shall be published in the Official Journal of the European Union by 15 November of year N + 1.	8. The final accounts for year N shall be published in the Official Journal of the European Union by 15 November of year N + 1.	8. The final accounts for year N shall be published in the Official Journal of the European Union by 15 November of year N + 1.	
<b>1484</b>	9. The executive director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1. He or she shall also send this reply to the management board.	9. The executive director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1. He or she shall also send this reply to the management board.	9. The executive director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1. He or she shall also send this reply to the management board.	
<b>1485</b>	10. The executive director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, in accordance with Article 165(3) of Regulation (EU, Euratom) No 966/2012.	10. The executive director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, in accordance with Article 165(3) of Regulation (EU, Euratom) No 966/2012.	10. The executive director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, in accordance with Article 165(3) of Regulation (EU, Euratom) No 966/2012.	
<b>1486</b>	11. On a recommendation from the Council acting by qualified majority, the European Parliament shall, before 15 May of the year N + 2, give a discharge to the executive director in respect of the implementation of the budget for the year N.	11. On a recommendation from the Council acting by qualified majority, the European Parliament shall, before 15 May of the year N + 2, give a discharge to the executive director in respect of the implementation of the budget for the year N.	11. On a recommendation from the Council acting by qualified majority, the European Parliament shall, before 15 May of the year N + 2, give a discharge to the executive director in respect of the implementation of the budget for the year N.	
<b>1487</b>	Article 113		Article 113	
<b>1488</b>	Combating fraud	Combating fraud	Combating fraud	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
<b>1489</b>	1. In order to combat fraud, corruption and other illegal activities, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.	1. In order to combat fraud, corruption and other illegal activities, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.	1. In order to combat fraud, corruption and other illegal activities, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.	
<b>1490</b>	2. The Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	2. The Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	2. The Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	
<b>1491</b>	3. OLAF may carry out administrative investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC)	3. OLAF may carry out administrative investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC)	3. OLAF may carry out administrative investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation	



	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	No 2185/96 <sup>12</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded by the Agency.	No 2185/96 <sup>13</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded by the Agency.	(Euratom, EC) No 2185/96 <sup>14</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded by the Agency.	
<b>1492</b>	4. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council.	4. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council.	4. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council.	
<b>1493</b>	5. Without prejudice to paragraphs 1, 2, 3 and 4, working arrangements with third countries and with international organisations, contracts,	5. Without prejudice to paragraphs 1, 2, 3 and 4, working arrangements with third countries and with international organisations, contracts,	5. Without prejudice to paragraphs 1, 2, 3 and 4, working arrangements with third countries and with international organisations,	

<sup>12</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>13</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>14</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the Court of Auditors, the European Public Prosecutor's Office and OLAF to conduct such audits and investigations, in accordance with their respective competences.	grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the Court of Auditors, the European Public Prosecutor's Office and OLAF to conduct such audits and investigations, in accordance with their respective competences.	contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the Court of Auditors, the European Public Prosecutor's Office and OLAF to conduct such audits and investigations, in accordance with their respective competences.	
<b>1494</b>	Article 114		Article 114	
<b>1495</b>	Prevention of conflicts of interest	Prevention of conflicts of interest	Prevention of conflicts of interest	
<b>1496</b>	The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.	The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.	The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.	
<b>1497</b>		<i>The Agency shall ensure lobby transparency through a transparency register by disclosing all its meetings with third party stakeholders. The transparency register shall include all meetings and contacts of the executive director, deputy executive directors and heads of division in matters concerning procurements and tenders for services, equipment or outsourced projects and studies. The</i>		

	Commission proposal	EP amendments	Council position	Compromise text proposals
		<i>Agency shall keep a record of all meetings of its staff with third party stakeholders.</i>		
<b>1498</b>	Article 115		Article 115	
<b>1499</b>	Financial provision	Financial provision	Financial provision	
<b>1500</b>	The financial rules applicable to the Agency shall be adopted by the management board after consulting the Commission. They shall not depart from Delegated Regulation (EU) No 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent. In this framework, the management board shall adopt specific financial rules applicable to the Agency's activities in the area of cooperation with third countries in the field of return.	The financial rules applicable to the Agency shall be adopted by the management board after consulting the Commission. They shall not depart from Delegated Regulation (EU) No 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent. In this framework, the management board shall adopt specific financial rules applicable to the Agency's activities in the area of cooperation with third countries in the field of return.	The financial rules applicable to the Agency shall be adopted by the management board after consulting the Commission. They shall not depart from Delegated Regulation (EU) No 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent. In this framework, the management board shall adopt specific financial rules applicable to the Agency's activities in the area of cooperation with third countries in the field of return.	
<b>1501</b>	CHAPTER IV		<del>CHAPTER IV</del>	
<b>1502</b>	Final provisions		<del>Final provisions</del>	
<b>1503</b>	Article 116		Article 116	
<b>1504</b>	Evaluation	Evaluation	Evaluation	To be discussed

	Commission proposal	EP amendments	Council position	Compromise text proposals
1505	1. By [31 May 2023] and every four years thereafter, the Commission shall carry-out an evaluation of this Regulation. The evaluation will assess in particular:	1. By <del>[31 May 2023]</del> ... <i>[two years after the entry into force of this Regulation]</i> , and every four years thereafter, the Commission shall carry-out an evaluation of this Regulation. The evaluation will assess in particular:	1. Without prejudice to Article 59, <del>By [31 May 2023]</del> <u>four years after the entry into force of this Regulation</u> , and every four years thereafter, the Commission shall carry-out an evaluation of this Regulation. The evaluation will assess in particular:	
1506	(a) the results achieved by the Agency having regard to its objectives, mandate and tasks;	(a) the results achieved by the Agency having regard to its objectives, mandate, <del>and</del> tasks <i>and compliance with the Charter of Fundamental Rights</i> ;	(a) the results achieved by the Agency having regard to its objectives, mandate, <u>resources</u> and tasks;	
1507	(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks;	(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks;	(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks;	
1508	(c) the implementation of European cooperation on coast guard functions;	(c) the implementation of European cooperation on coast guard functions;	(c) <u>inter-agency cooperation at the European level, including the implementation of European cooperation on coast guard functions</u> ;	
1509	(d) the possible need to modify the mandate of the Agency;	(d) the possible need to modify the mandate of the Agency;	(d) the possible need to modify the mandate of the Agency;	
1510	(e) the financial implications of any such modification.	(e) the financial implications of any such modification.	(e) the financial implications of any such modification	
1511			(f) <u>the functioning of European Border and Coast Guard standing corps and, as from the second</u>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
			<u>evaluation, assessing its overall number and composition.</u>	
1512	The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation.	The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation. <i><b>This analysis shall be carried out in consultation with the European Union Agency for Fundamental Rights and the consultative forum.</b></i>	The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation.	
1513		<i><b>As part of the evaluation, the Commission shall provide an overall evaluation of the Agency in light of its operational performance in the field of external border management and, in particular, in carrying out border control and return tasks on behalf of the Member States or third countries.</b></i>		
1514			<u>1a. The evaluation shall also assess the attractiveness of the Agency as an employer for the recruitment of statutory staff with a view of ensuring quality of the candidates and geographical balance.</u>	
1515	2. The Commission shall send the evaluation report together with its	2. The Commission shall send the evaluation report together with its	2. The Commission shall send the evaluation report together with its	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public. The Member States and the Agency shall provide the Commission with the information necessary to draft this report.	conclusions on the report <i>without delay</i> to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public. The Member States and the Agency shall provide the Commission with the information necessary to draft this report.	conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public. <u>The evaluation report shall be based as much as possible on the reports referred to in Article 98(2)(j). If necessary, t</u> <del>The</del> Member States and the Agency shall provide the Commission with <u>additional</u> <del>the</del> information necessary to draft this report. <u>Where necessary, the report shall be accompanied by a legislative proposal.</u>	
1516	3. The Agency shall submit a report to the European Parliament and to the Council on the functioning of EUROSUR by 1 December 2021 and every two years thereafter.	3. The Agency shall submit a report to the European Parliament and to the Council on the functioning of EUROSUR by 1 December 2021 and every two years thereafter.	3. The Agency shall submit a report to the European Parliament and to the Council on the functioning of EUROSUR by 1 December 2021 and every two years thereafter.	
1517	Member States shall provide the Agency with the information necessary to draft <del>that</del> is report.	Member States shall provide the Agency with the information necessary to draft <del>that</del> <i>this</i> report.	Member States shall provide the Agency with the information necessary to draft <del>that</del> is report.	
1518	4. As part of the evaluation referred to in paragraph 1, the Commission shall provide an overall evaluation of	4. As part of the evaluation referred to in paragraph 1, the Commission shall provide an overall evaluation of	4. As part of the evaluation referred to in paragraph 1, the Commission shall provide an overall	

	<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position</b>	<b>Compromise text proposals</b>
	EUROSUR accompanied, where necessary, by appropriate proposals to improve its functioning.	EUROSUR accompanied, where necessary, by appropriate proposals to improve its functioning.	evaluation of EUROSUR accompanied, where necessary, by appropriate proposals to improve its functioning.	
<b>1519</b>	The Member States and the Agency shall provide the Commission with the information necessary to produce the evaluation referred to in paragraph 3.	The Member States and the Agency shall provide the Commission with the information necessary to produce the evaluation referred to in paragraph 3.	The Member States and the Agency shall provide the Commission with the information necessary to produce the evaluation referred to in paragraph 3.	
<b>1520</b>			<u>CHAPTER IV</u>	
<b>1521</b>			<u>Final provisions</u>	
<b>1522</b>	Article 117		Article 117	
<b>1523</b>	Committee procedure	Committee procedure	Committee procedure	
<b>1524</b>	1. The Commission shall be assisted by a committee ("('the European Board and Coast Guard Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee ("('the European Board and Coast Guard Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee ("('the European Board and Coast Guard Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
<b>1525</b>	For the measures referred to in Article 80(2), the Commission shall be assisted by the "Article 6 Committee" established by Regulation (EC) No 1606/2002.	For the measures referred to in Article 80(2), the Commission shall be assisted by the "Article 6 Committee" established by Regulation (EC) No 1606/2002.	For the measures referred to in Article 80(2), the Commission shall be assisted by the "Article 6 Committee" established by Regulation (EC) No 1606/2002.	

	Commission proposal	EP amendments	Council position	Compromise text proposals
1526	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
1527	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
1528	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	<del>4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.</del>	<u>4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.</u>	
1529	Article 118		Article 118	
1530	Exercise of the delegation	Exercise of the delegation	<del>Exercise of the delegation</del>	
1531	1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.	<del>1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.</del>	
1532	2. The power to adopt delegated acts referred to in Article 8 (4) shall be conferred on the Commission for an undetermined period of time from [the date of entry into force of this Regulation].	2. The power to adopt delegated acts referred to in <del>Article 8(4)</del> <b>Articles 8(4) and (8) and Article 55(6a)</b> shall be conferred on the Commission for an undetermined period of time from [the date of entry into force of this Regulation].	<del>2. The power to adopt delegated acts referred to in Article 8 (4) shall be conferred on the Commission for an undetermined period of time from [the date of entry into force of this Regulation].</del>	



	Commission proposal	EP amendments	Council position	Compromise text proposals
1533	3. The delegation of power referred to in Article 8 (4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in <del>Article 8 (4)</del> <b>Articles 8(4) and (8) and Article 55(6a)</b> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<del>3. The delegation of power referred to in Article 8 (4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</del>	
1534	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	<del>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.</del>	
1535	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	<del>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</del>	
1536	6. A delegated act adopted pursuant to Article 8(4) shall enter into force	6. A delegated act adopted pursuant to <del>Article 8 (4)</del> <b>Articles</b>	<del>6. A delegated act adopted pursuant to Article 8(4) shall enter</del>	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	<i>8(4) and (8) and Article 55(6a)</i> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	<del>into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</del>	
<b>1537</b>	Article 119		Article 119	
<b>1538</b>	Repeal	Repeal	Repeal	To be discussed
<b>1539</b>	1. Regulation (EU) No 1052/2013 is repealed.	1. Regulation (EU) No 1052/2013 is repealed.	1. Regulation (EU) No 1052/2013 is repealed <u>with the exception of Article 9 (3), (5), (7-10) and Article 10 (5) and (7) that shall continue to apply pending the entry into force of the implementing act referred to in Article 25(4) of this Regulation.</u>	
<b>1540</b>	2. Regulation (EU) 2016/1624 is repealed with the exception of Articles 20, 30 and 31 thereof which	2. Regulation (EU) 2016/1624 is repealed with the exception of Articles 20, <b>29</b> , 30 and 31 thereof	2. Regulation (EU) 2016/1624 is repealed with the exception of Articles 20, 30 and 31 thereof which	

	Commission proposal	EP amendments	Council position	Compromise text proposals
	are repealed with effect from 1 January 2020.	which are repealed with effect from <del>1 January 2020</del> <i>[two years after the entry into force of this Regulation]</i> .	are repealed with effect from 1 January 2020 <del>1</del> .	
1541	3. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system referred to in Article 80, to be decided by an implementing act adopted in accordance with the procedures referred to in the Article 117.	3. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system referred to in Article 80, to be decided by an implementing act adopted <i>by ... [one year after the entry into force of this Regulation]</i> in accordance with the procedures referred to in the Article 117.	3. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system referred to in Article 80, to be decided by an implementing act adopted in accordance with the procedures referred to in the Article 117.	FADO discussions
1542	4. References to the repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex VI to this Regulation.	4. References to the repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex VI to this Regulation.	4. References to the repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex VI to this Regulation.	4. References to the repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex VI to this Regulation.
1543	Article 120		Article 120	These are COM proposals for the entire Art. 120
1544	Entry into force and applicability	Entry into force and applicability	Entry into force and applicability <sup>15</sup>	Entry into force and applicability <sup>16</sup>

<sup>15</sup> A new recital will be added to explain the transitional arrangements and in particular the need to start the preparation for the deployments under the new Regulation expeditiously.

<sup>16</sup> A new recital will be added to explain the transitional arrangements and in particular the need to start the preparation for the deployments under the new Regulation expeditiously.

	Commission proposal	EP amendments	Council position	Compromise text proposals
1545	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
1546	2. Article 12(4), 71 and 98 (5), as far as they concern the cooperation with the United Kingdom, shall be applicable until the date of withdrawal of the United Kingdom from the Union or, provided an agreement between the Union and the United Kingdom based on Article 50 of the Treaty on European Union enters into force, until the end of the transition period set therein.	2. Article 12(4), 71 and 98 (5), as far as they concern the cooperation with the United Kingdom, shall be applicable until the date of withdrawal of the United Kingdom from the Union or, provided an agreement between the Union and the United Kingdom based on Article 50 of the Treaty on European Union enters into force, until the end of the transition period set therein.	2. Article 12(4), 71 and 98 (5), as far as they concern the cooperation with the United Kingdom, shall be applicable until the date of withdrawal of the United Kingdom from the Union or, provided an agreement between the Union and the United Kingdom based on Article 50 of the Treaty on European Union enters into force, until the end of the transition period set therein.	2. Article 12(4), 71 and 98 (5), as far as they concern the cooperation with the United Kingdom, shall be applicable until the date of withdrawal of the United Kingdom from the Union or, provided an agreement between the Union and the United Kingdom based on Article 50 of the Treaty on European Union enters into force, until the end of the transition period set therein.
1547	3. By way of derogation during the year 2019, the decisions referred to Article 55 (4) and 64 (6) shall be adopted by the Management Board within six weeks of the entry into force of the Regulation.	3. By way of derogation during the year 2019, the decisions referred to Article 55 (4) and 64 (6) shall be adopted by the Management Board within six weeks of the entry into force of the Regulation.	<del>3. By way of derogation during the year 2019, the decisions referred to Article 55 (4) and 64 (6) shall be adopted by the Management Board within six weeks of the entry into force of the Regulation.</del>	<del><i>3. By way of derogation during the year 2019, the decisions referred to Article 55 (4) and 64 (6) shall be adopted by the Management Board within six weeks of the entry into force of the Regulation.</i></del>
1548	4. By way of derogation during the year 2019, the nominations referred to in Article 57 (4) and Article 58 (1) shall be made by the Members States within 12 weeks of the entry into force of the Regulation.	4. By way of derogation during the year 2019, the nominations referred to in Article 57 (4) and Article 58 (1) shall be made by the Members States within 12 weeks of the entry into force of the Regulation.	<del>4. By way of derogation during the year 2019, nominations referred to in Article 57 (4) and Article 58 (1) shall be made by the Members States within 12 weeks of the entry into force of the Regulation.</del>	<del><i>4. By way of derogation during the year 2019, nominations referred to in Article 57 (4) and Article 58 (1) shall be made by the Members States within 12 weeks of the entry into force of the Regulation.</i></del>
1549			3. By way of derogation, Member States may continue to	Subject to Eurosur discussions

	Commission proposal	EP amendments	Council position	Compromise text proposals
			apply on a voluntary basis the provisions of Articles 19 and corresponding provisions on EUROSUR related to border checks and air border surveillance up to two years after the entry into force of this Regulation	
1550	5. Deployments in accordance with Article 55 to 58 shall take place as of 1 January 2020.	5. Deployments in accordance with <del>Article 55 to 58</del> <b>Articles 55 to 58a</b> shall take place as of <del>1 January 2020</del> <b>soon as the first operational staff are recruited or seconded to the Agency in line with the deadlines laid down in Annex I to this Regulation.</b>	<del>5.4.</del> Deployments in accordance with Article 55 to 58 shall take place as of 1 January 2020 <sup>17</sup> .	<b>4. Deployments in accordance with Article 55 to 58 shall take place as of 1 January 2021.</b>
1551			5. For the deployments in 2021, the decisions referred to Article 55 (4) and 64 (6) shall be adopted by the Management Board by 31 March 2020.	<b>5. For the deployments in 2021, the decisions referred to Article 55 (4) and 64 (6) shall be adopted by the Management Board by 31 March 2020.</b>
1552			6. For the purpose of supporting the development of human resources to secure the contributions of the Member States to the European Border and Coast Guard standing corps, Member States are entitled to receive funding in the	<b>6. For the purpose of supporting the development of human resources to secure the contributions of the Member States to the European Border and Coast Guard standing corps, Member States are entitled to receive funding</b>

<sup>17</sup> Article 119(2) amended accordingly to reflect the date of 1 January 2021.

	Commission proposal	EP amendments	Council position	Compromise text proposals
			year 2020 in accordance with Article 61(1)(a). The numbers in Annex III for the year 2022 shall be used as a reference for the funding in 2020.	<i>in the year 2020 in accordance with Article 61(1)(a). The numbers in Annex III for the year 2022 shall be used as a reference for the relevant funding in 2020.</i>
1553			<u>7. For the purpose of building the capacity of category I staff, the Agency shall launch the preparation to comply with the necessary capabilities as of the entry into force of this Regulation in accordance with the budgetary rules.</u>	<b>7. In order to effectively contribute with the required capacities of category I staff to the first deployments of the EBCG standing corps and the setting of the ETIAS central unit, the Agency shall launch the necessary preparations, including recruitment and training, as of the entry into force of this Regulation and in accordance with the budgetary rules</b>
1554	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.		This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
1555	Done at Brussels,		Done at Brussels,	Done at Brussels,