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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	11213/20
No. prev. doc.:	10443/23
Subject:	Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] - Mandate for negotiations with the European Parliament

1. At its meeting on 8-9 June 2023, the Council (JHA) reached a general approach on the abovementioned proposal.
2. At that meeting it was agreed, as part of the general approach, that financial contributions “will be channelled through a vehicle managed at Union level the modalities of which would be defined by the Commission” and that this point would be reflected in the legal text, which would be adjusted accordingly.
3. The Presidency is hereby proposing to adjust Article 44i on financial contributions as set out in the Annex to this note, so as to reflect the political understanding that was reached at the Council on 8 June on this point. Changes indicated in the Annex are to be inserted in the text resulting from the outcome of proceedings (10443/23), which was issued following the Council.

4. In addition to (and as a consequence of) the adjustments in Article 44i, which are set out in the Annex to this note, the word “direct” will be deleted from the term “direct financial contributions” in the following provisions: Recital 12a, Recital 12b, Article 7c(2), (3) and (4), Article 44a(2)(b) and Article 44b(3).
 5. On this basis, Coreper is invited to agree on the adjustments set out above and in the Annex to this note to reflect the agreement reached by the Council on the general approach, with a view to completing the mandate for negotiations with the European Parliament on the Proposal for a Regulation on Asylum and Migration Management and amending Regulation (EU) 2021/1147.
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Article 44i

~~Direct~~ Financial contributions

1. ~~Direct~~ Financial contributions shall consist of ~~direct~~ financial transfers of amounts from the contributing ~~to the benefitting~~ Member States to the Union budget. Those amounts shall constitute external assigned revenues in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046¹ and shall be used for the purpose of implementing the projects of the Solidarity Pool referred to in Article 44a(2)(b).

The contributing Member State shall transfer the amounts as soon as the Council has adopted the implementing act referred to in Article 44b.

2. ~~Member States that contribute to the Solidarity Pool through a direct financial contribution shall contact the benefitting Member State to agree on the modalities for transferring amounts bilaterally.~~
2. 3. Benefitting Member States shall identify projects for ~~direct~~ financial contributions and submit these to the Commission which shall maintain an inventory of such projects. The Commission shall liaise closely with benefitting Member States to ensure that those projects correspond to the objectives as set out in Article 44a(2)(b). The Commission shall maintain the inventory and make it available through the Technical Level Migration Forum to facilitate the selection of projects ~~to facilitate the matching of direct financial contributions with projects.~~ The contributing Member States shall inform the Commission on the projects planned to be funded ~~and the direct financial contributions made. Amounts shall be provided in EUR.~~

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1.

**3. 4. ~~Member States shall ensure, in consultation with the Commission, that direct~~
~~f~~Financial contributions shall not finance any project already funded under the Union budget
in the same country. ~~Member States shall ensure that direct f~~Financial contributions are
additional and complementary to financial support provided under other Union instruments.**

**4. 5. ~~The benefitting and the contributing Member States shall continue the process of direct~~
financial contributions even after the timeframe for the implementation or the validity
of implementing acts has expired.}**

**5. 6. The Commission shall adopt an implementing act concerning rules on the operation of
the financial contributions. That implementing act shall be adopted in accordance with
the examination procedure referred to in Article 67(2).**
