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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1806 as regards the revision of the suspension mechanism - Discussion paper on the thresholds

The Presidency has taken into consideration the comments of some Member States in favour of modifying the thresholds so that the mechanism becomes more flexible. In this regard, the proposal already includes some elements that provide additional flexibility, such as the increase of the reference period of article 8b(1), or the possibility for Member States to notify the new three grounds for suspension. It this enough? If not, to what extent should the thresholds be changed? Should the mechanism have thresholds at all?

As thresholds are a very relevant part of the mechanism because they have a clear and direct effect on the potential triggering, the Presidency would like to provide delegations with a framework of possible options in order to facilitate the debate and the adoption of a compromise.

Option 1.

It is considered that the proposal provides enough additional flexibility and the thresholds remain unchanged.

Option 2.

It is considered that the proposal does not provide enough additional flexibility and thresholds should be changed. Depending on the extent of the change deemed appropriate, two possible sub-options can be envisaged:

- a) A limited change is applied to both thresholds: the “low recognition” threshold is increased from 4% to, for instance, 8% (that is to say a 100% increase¹) and the “substantial increase” threshold is decreased from 50% to, for instance, 45% (that is to say a 10% decrease^{2e2}).
- b) An greater change is applied to both thresholds, which are respectively increased and decreased according to higher proportions, by increasing the percentage of the “low recognition” threshold from 4% to, for instance, 20% and by decreasing the percentage of the “substantial increase” one from 50% to, for instance, 30%.

Option 3.

In order to make the mechanism even more flexible, it is considered that there should be no thresholds in the operative part of the proposal.

¹ Since this threshold is far lower than the other one has a more limited effect: it applies just to article 8a(1)(b).

² Since this threshold is far higher than the other one and has a broader effect: it applies to article 8a(1)(a)(b) and (d)(i).