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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 514/2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and amending Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund and amending Regulation (EU) 2021/1147 establishing the Asylum, Migration and Integration Fund **(first reading)** - Adoption of the legislative act - Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU = Statements

Statement by Austria

Austria thanks the European Commission for the initiative and welcomes the amendments.

However, further measures are needed, in particular to rapidly deploy funding from the Multiannual Financial Framework 2021-2027 under the simplest, crisis-appropriate conditions possible.

Statement by Ireland

Ireland notes that it is intended that the Council will make a decision to adopt the proposed Regulation less than 3 months after presentation of this proposed decision to the Council.

As this is a Title V measure, Protocol 21 on the Position of Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaties applies and Ireland therefore has the right to opt-in to the measure.

Ireland fully supports the proposal that represents an important response to the war in Ukraine. Ireland intends to opt-in to the measure following the required government and parliamentary approvals.

Notwithstanding Protocol 21 and Ireland's right to opt-in to this regulation, Ireland has, in light of the exceptional circumstances faced and mindful of the importance of the proposed regulation in enabling Member States respond to the crisis in Ukraine, unilaterally decided to waive our right in order to facilitate the speedy adoption of the measure.

In practice, this means that Ireland will not insist, in this instance, upon its right to have 3 months within which to exercise Ireland's option to notify the President of the Council of its wish to participate in the adoption and application of the proposed Council Decision in accordance with the provisions of Article 3 of Protocol 21.

Ireland will instead opt-in pursuant to Article 4 of Protocol 21 meaning that we will opt-in after the adoption of the measure. It is noted that Recital 21 of the text reflects this decision.

Ireland will proceed with its opt-in under Article 4 as quickly as possible. However, the decision to waive our right to opt-in under Article 3, will mean that Ireland will not be in a position to avail of the funds the measure will release in order to respond to the crisis in the same timeframe as other Member States and, until such time as the Commission approves our subsequent Article 4 opt-in.

With this in mind, we would call on the Commission to, in due course, expedite Ireland's Article 4 opt-in to the measure in order to ensure that there is no adverse impact on Ireland's ability to use the increased flexibility to respond to crisis.

Finally, it is incumbent to note that Ireland's Treaty rights again appear to have been inadequately considered in the preparation of this Regulation. While we welcome the importance and symbolism of the rapid response the proposed regulation represents, the matter of Ireland's Protocol 21 rights must be respected and considered from the outset in all future measures to which it applies, as a domestic constitutional imperative.