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WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Ad Hoc Working Party on JHA Financial instruments
Subject:	BMVI - Compilation of comments on Annex I

Delegations will find attached a compilation of Member States' comments after the Ad Hoc Working Party on JHA Financial instruments on 10 September 2019 on the Border Management and Visa Instrument Fund - ANNEX I.

BELGIUM

Belgium supports the proposal of Commission as regards to the Annex I of the BMVI Regulation, considering this is the same allocation key which has been used for the two predecessor funds of BMVI. There is a historic consensus concerning the use of this data as basis of the distribution key and it has been proven to be a good European compromise. We don't want to reopen negotiations on Annex I, because this might open the box of Pandora: for each Member State in particular the ideal weighting in (1c) is different.

However, as regards to (11) we could support

- the deletion of "critical" as a level of threat

the reduction of the range between the weighting of the lowest and the highest level of threat.

BULGARIA

Bulgaria confirms its comments regarding paragraphs 7 and 11 of Annex I of the proposal for BMVI Regulation, included in the compilation of comments WK 9110/2019 REV 1;

Bulgaria supports in principle the originally proposed by the EC text of Annex I of the BMVI Regulation, paragraphs 1-6 and paragraphs 8-10.

GERMANY

Art.1 (c)

The distribution in favour of seaborders (currently 35%) is particularly pronounced in view of the increase in air traffic in the EU.

In favour of a fairer starting position, a stronger alignment of the distribution criteria is voted for.

DEU supports the proposal of FRA and AUT to provide a breakdown to 25% per criterion.

Alternatively, the addition of a separate allocation criterion for IT systems is called for.

Art. 6

In sentence 2 it is unclear what the word "this" ("this shall be the outer limit of high threat areas.") refers to.

It is also unclear in which cases this should apply. I.e. what is meant by "long range operations" and how they are measured?

Who determines by which standards what a high threat area is and where its boundaries are? The terms are not defined in Annex I or in the draft Regulation.

It is the same with sentence 3 ("The definition of 'external maritime borders' in this regard shall be..."). This definition does not appear anywhere else in the document. What is the purpose?

If the term "external sea borders" from sentence 1 should be meant, the question arises why a different terminology is used. It suggests that something else should be meant.

Art. 7

To identify the data in Annex I, the periods under review should refer to the years 2017, 2018, 2019. This is the only way to guarantee that, when drawing up the National Programme, the allocations to Member States are known.

Art.11

The threat level criteria should be coherent with the new EBCGA Regulation. Although it is not yet adopted, it contains the threat levels: low, medium and high, and the critical level would be applied only for emergencies. Our position is that critical level should not be taken into account while distributing long term financing, since there will be different mechanisms and funding activated should emergency occur. The allocation key takes into account the previous work load and situational picture. It is equally important to prepare for possible future challenges and apply uniform standards to all external borders of the EU. The proposed range of threat levels differs 16 times (0.5 - low, 3 - medium, 5 - high and 8 - critical). This range is too wide and should be harmonized. Instead of dealing with consequences, more value should be given to risk prevention. Threat levels are also difficult to predict. Therefore, we propose to apply following multipliers: low 1, medium, 2, and high 3.

So as to identify the data in Annex I, the periods under review should refer to the years 2017, 2018, 2019. This is the only way to guarantee that, when drawing up the National Programme, the allocations to Member States are known.

ESTONIA

Concerning the BMVI we have sent our written comments before and we stand by these. We do not feel that there is a need to change much in the BMVI distribution key, the goal should be to start with programming as soon as possible. In the spirit of compromise we are willing to support the threat level multipliers 1, 3 and 5.

GREECE

Par. 7 (a)

We believe that a third point should be added as follows:

30% for the number of third-country nationals apprehended after having crossed or during crossing the external border illegally, including the number of persons apprehended at sea;

The corresponding percentage of point (1) should be decreased to 40%.

During the meeting of 10/09/2019, the EC replied that such a factor is taking into consideration, indirectly, by EBCGA when determining the weighting factors, as stipulated in article 2 of Annex I. However, if such case is going to take place, we would like to clarify, if possible, how this factor will be taking into consideration and how the number of the *third-country nationals apprehended after having crossed or during crossing the external border illegally* will be measured by the Agency, when determining the above factors.

Par. 10

We recommend that the following sentence should be added at the end of this paragraph:

“Before delivering its report to the Commission, European Border and Coast Guard Agency shall hold an exchange of views with the Member States”.

Par. 7 and par. 11

We believe that the period of 36 months is limited and does not reflect the extremely high migratory flows faced by certain Member-States during the refugee crisis. Thus, we consider that this period should be increased to 5 years. During the meeting of 10/09/2019, the EC replied that the period of 36 months reflects on a more comprehensive basis that is closer to the time of the allocation. Nevertheless, we consider that by including also the previous two years (2015+2016), a more coherent and completed stating of the Member-States situation will be reflected.

SPAIN*

Paragraph 1(a)

Spain is willing to maintain the original drafting for the sake of consensus among MS.

Paragraph 1(c)

Spain introduces a substantive reservation. At the same time it proposes a new distribution criterion following the criteria of the regulation actually in force that has provided a fair resource distribution among MS.

(c) and the remaining resources referred to in Article 10 shall be distributed based on the following criteria:

30% for external land borders;

40 ~~35~~% for external sea borders;

Spain introduces a substantive reservation

15 ~~20~~% for airports;

Spain introduces a substantive reservation

15% for consular offices.

Paragraph 6

Spain introduces a substantive reservation to paragraph 6.

In addition to it, we would kindly ask the European Commission to explain in more details the practical impact of this definition that shall be used exclusively for the purpose of this Regulation.

Paragraph 11

Spain introduces a substantive reservation to paragraph 11 referred to the threat levels as defined in Regulation (EU) No 1052/2013.

* Additional comments compared to WK 9110/2019.

FRANCE

FR supports the Commission's proposal to apply a reference period as close as possible to the beginning of the next framework, which will correspond to the last 36 months available.

This will make it possible to take into account, in the most appropriate way possible, the evolution of the Member States' flows and needs in terms of border management and visa policy, for a period of time adequate to be the most representative of the situation of each Member State at its external borders and of its workload in processing visa applications.

FR supports the 4 categories of criteria proposed by the Commission.

Paragraph 1(a)

FR supports a fixed amount of EUR 5 000 000 from the instrument at the start of the programming period as proposed by the Commission.

Paragraph 1(c)

FR supports a uniform weighting (25% per criterion) seems fairer and less objectionable. Indeed, each type of border has its own difficulties, constraints and workload, just like processing visa applications. The specific situation of the Member State for each type of border and the corresponding financing needs it generates will be expressed by the sub-criteria and data on which the first-level criteria are based.

25% ~~30%~~ for external land borders;

25% ~~35%~~ for external sea borders;

25% ~~20%~~ for airports;

25% ~~15%~~ for consular offices.

Legal migration is taking on more and more serious security challenges with respect to the development and mutability of documentary fraud and identity. As such, the visa policy will require a very important financial support for the next framework, in order to meet the challenges generated by the requirements of security, dematerialization and fluidity in the processing of visa applications. It is therefore necessary to financially support at its right level the workload for the Member States and this in the direct interest of the Union and all Member States.

Paragraph 2(a)

(a) 30% ~~70%~~ for the length of their external land borders and external sea borders, which will be calculated, on the basis of weighting factors for each specific section as defined in Regulation (EU) No 1052/2013¹, determined in accordance with paragraph 11; and

¹ Regulation (EU) No 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (Eurosur), (OJ L 295, 6.11.2013, p.11.

FR supports the reversal of the weighting proposed by the Commission, ie 30% for the length of the external land and sea borders and 70% for the workload at the external land and sea borders. Indeed, this appears more appropriate because it is more representative of the actual burden of each Member State in the management of the external land and sea borders, and therefore of its financing needs under BMVI.

Paragraph 2(b)

(b) ~~30%~~ **70%** *for the workload at their external land and external sea borders, as determined in accordance with paragraph 7(a).*

FR supports the reversal of the weighting proposed by the Commission, ie 30% for the length of the external land and sea borders and 70% for the workload at the external land and sea borders. Indeed, this appears more appropriate because it is more representative of the actual burden of each Member State in the management of the external land and sea borders, and therefore of its financing needs under BMVI.

Paragraph 6

We would like further details and concrete examples of calculations, as well as their results, to clarify the definition given for "external maritime borders" for the purpose of this Regulation.

Paragraph 7

FR supports the Commission's proposal to apply the last 36 months available.

Indeed, this seems to be the most appropriate because it will be the most representative of the situation at the external borders of each Member State and of the workload that flows for it.

Paragraph 11

FR supports the Commission's proposal to apply the last 36 months available.

Indeed, this seems to be the most appropriate because it will be the most representative of the situation at the external borders of each Member State and of the workload that flows for him.

However, FR supports the application of 3 threat levels instead of 4 levels, and the application of a weighted threat level with factors 1, 2 and 3 which seems more coherent with both Eurosur Regulation (EU) No 1052/2013 and EBCGA 2.0 Regulation.

(a) ~~factor 1 0.5~~ *for low threat;*

(b) ~~factor 2 3~~ *for medium threat;*

(c) ~~factor 3 5~~ *for high **and critical** threat]*

~~(d) factor 8 for critical threat.~~

CROATIA

HR considers the proposed percentage criteria based on which available financial resources will be allocated to Member States to be inappropriate, since the values expressed do not take into account the specificities of real needs of Member States, especially taking into account great efforts made to ensure the necessary control and effective surveillance of European external land borders and the simultaneous ensuring of all prerequisites for the free movement of persons and goods in the EU.

As border surveillance is largely determined by the geographical location of a Member State and its structure, human resources and additional technical investments that Member States must ensure also differ significantly. For example, at the beginning of the current MFF, the Republic of Croatia was allocated only EUR 35 million through the ISF - Borders and Visa and the national program, which clearly shows that the consequences of the migratory pressure that peaked in 2015 and 2016 when almost 650,000 people passed through the Republic of Croatia were not taken into account in the allocation of funds.

Therefore, taking into account the claim of the European Commission that migration movements are one of the factors taken into consideration when allocating funds, the Republic of Croatia insists on taking into account the assessment of the intensity of migration movements and, accordingly, on increasing the percentage related to external land borders.

We point out that the land border of HR is at the same time the longest external border of the EU, which requires investing great efforts in its surveillance, especially given the continued migration pressure, which shows no sign of decrease, but is constantly increasing again. To be more precise, in the first eight months of this year, 11,813 persons were registered in the illegal crossing of the state border in HR, and to this date, 13,100 such attempts have been registered. Moreover, 595 smugglers were caught in the same period, and to this date, 672 smugglers have been registered and reported for 626 criminal offences of human trafficking. Furthermore, according to the statistics for the 2016-2019 period, HR recorded nearly 197 million vehicle border crossings, which is an indicator that shows the magnitude of traffic, goods and services taking place at the external part of the land border of the EU. It should not be forgotten that reference data give an objective insight into the situation, which must be constantly monitored because real challenges can be truly reflected in financial values only on the basis of these indicators.

Therefore, HR considers that the share of funds earmarked for external land border surveillance should be proportional to the load and, as much as possible, take into account the workload of border and customs crossing points, the flow of people and goods, the exposure of a Member State to migration pressure, the assessment of possible exposure to new migration movements, all the while keeping in mind the need for further investment in human, technical and operational capacities and the maintenance of the existing ones.

HR proposes the following percentages of funding distribution:

- 45% land border,
- 30% sea border,
- 15% airports,
- 10% consular posts.

Considering the main tasks, scope and manner of data collection, we are of the opinion that the data collected by Frontex within the scope of its competences should be used for the purposes of allocating the funds.

HR supports the proposal to increase the fixed amount of allocated funds at the beginning of the programming period. We believe that the initial allocation of EUR 5 million which the European Commission considers to be intended for basic operational needs and trainings should be increased to EUR 15 million, as the currently foreseen resources are not sufficient to achieve the objectives to be financed in the upcoming period.

Regarding the threat level factor, that is threat level weight, we believe that, in the context of long-term reallocation of funds, the proposed range is too large and should be balanced. In this regard, we accept the position expressed by most Member States that the factors, that is threat levels should be aligned with the criteria proposed in the new EBCGA Regulation.

HR supports the proposals for Regulations establishing instruments under the Integrated Border Management Fund. We believe that there is room for the increase of funding for both instruments in terms of financial envelopes. We are concerned about the possibility of the implementation, especially if we take into account the anticipated level of national co-financing, that is pre-financing, which we think will have a significant impact on the absorption of funds.

LATVIA

We would once again like to stress the need to align the BMVI Regulation (Annex I, paragraph 11) with the EBCGA Regulation in terms of applied terminology on the external border impact/threat level, and as the EBCGA is already agreed upon, the BMVI Regulation in its Annex I should use the term “impact level” instead of “threat level”. Taking into account the fact that the BMVI Regulation is the bases for 2021-2027 (7 year) planning period, a budgetary resources distribution key should not be based on the additional fourth impact level because of its temporary nature. For temporary measures, the BMVI Regulation has introduced the flexibility instrument – the Thematic facility. The proposed range of threat levels differs 16 times (0.5 - low, 3 - medium, 5 - high and 8 - critical). This range is too wide and should be harmonized. Instead of dealing with consequences, more value should be given to risk prevention. Therefore, in order to ensure the fairness and proportionality of the given subcriteria withn the distribution key, Latvia considers it necessary to set the coefficient for low threat borders at a limit of not less than 1.

HUNGARY

Hungary keeps all of its comments and suggestions which was provided to the Finnish Presidency before the Ad hoc Working Party on JHA Financial instrument on 11 September.

Paragraph 1(a)

- (a) *each Member State shall receive a fixed amount of EUR-~~5~~ 10 000 000 from the instrument at the start of the programming period only;*

Each Member State shall receive a fixed amount of EUR 10 000 000 from the Fund at the start of the programming period only.

Paragraph 1(c)

- (c) *and the remaining resources referred to in Article 10 shall be distributed based on the following criteria:*

~~30~~ 37-40 % for external land borders;

~~35~~ 37-40 % for external sea borders;

~~20~~ 13-15 % for airports;

~~15~~ 8-10 % for consular offices.

The current distribution of funds between different types of the borders has not been adjusted to reflect the facts, *that border surveillance can be implemented only at sea and land borders, and these are those border section, which are (almost exclusively) affected by illegal migration*. The distribution key also does not mirroring the costs of national authorities in connection with the development and maintenance of land border crossing points, which are necessary to ensure the smooth border traffic after the introduction of the new EU IT systems (such as the EES or ETIAS). This proposal also does not take into account, that (an the contrary with land border crossing points), sea and air BCPs are operated mostly by private companies. Therefore elements used for border control (such as e-gates, self-service kiosks to speed up border control process) usually are financed or co-financed by the airport or seaport administrations (private sector) that are interesting in volumes and passengers flows which generates solid income. Land BCPs operated and maintained by public administration. The necessary investments at land BCPs are not limited only to the border control equipment (as in air and sea BCPs), but also should cover investments to the infrastructure (premises) too. This is an imminent need for implementing the new regulations on IT systems. Therefore we are convinced, that fairer distribution of funds between different types of the borders is needed.

Regarding consular offices it is necessary to point out the fact that the External Service Providers (ESP) worldwide offer services for the consulates, which services are payed by the applicant. Beside that representation arrangements on visa issuance and the coming raised visa fee should be a relevant help regarding the costs and effective work of the consular offices.

Said that, the diminution of the administrative workload, the possibly missing infrastructure can be solved at least partly by the services of the ESPs. Therefore it is not obvious that we should spend as many sources from the BMVI fund, while e.g. ESPs can not provide „services” at the BCPs.

Paragraph 7(a)

- (1) ~~670~~ % for the number of crossings of the external border at authorised border crossing points;
- (2) **15 % for the number of third country nationals crossings of the external border at authorised border crossing points;**
- (3) **15 % for the number of road and railway freight transport of crossings of the external border at authorised border crossing points;**
- (4) ~~130~~% for the number of third-country nationals refused entry at the external border.

The assessment of the workload of the national authorities at the external borders shall take into consideration of the number of third country nationals crossing the external borders, hence the border checks of third country nationals create more workload for the border guards than the border checks of an EU citizen. The extra burden caused by the cross-border freight transport shall be also considered as a factor for the assessment of the workload of the national border guards.

Paragraph 7(b)

- (1) ~~7050~~ % for the number of crossings of the external border at authorised border crossing points;
- (2) **25 % for the number of third country nationals crossings of the external border at authorised border crossing points;**
- (3) ~~30-25~~ % for the number of third-country nationals refused entry at the external border.

See justifications above.

Paragraph 11

- (a) factor ~~0,5~~ **1** for low threat;
- (b) factor ~~3-2~~ for medium threat;
- (c) factor ~~5-3~~ for high threat;
- ~~(d) factor 8 for critical threat.~~

We are convinced, that the specific weighting factors per section applying the threat levels as defined in Regulation (EU) No 1052/2013 are imbalanced and do not take into consideration the efforts of and burden on the Member States to maintain an effective integrated border management system in order to prevent the emergence of a crisis situations. The proposed range of threat levels differs 16 times (0.5 - low, 3 - medium, 5 - high and 8 - critical). This range is too wide and should be harmonized. Therefore, we propose to apply following multipliers: low 1, medium, 2, and high 3. The forth category should be deleted, because the critical level should be temporarily established, corresponding to a situation where the Schengen area is at risk in accordance with the EBCG 2.0 proposal, therefore it should not be taken into account while distributing long term financing, since there will be different mechanisms and funding (within the thematic facilities) available to address such a crisis situation.

The allocation key takes into account the previous work load and situational picture, it is equally important to prepare for possible future challenges and apply uniform standards to all external borders of the EU. The proposed range of threat levels differs 16 times (0.5 - low, 3 - medium, 5 - high and 8 - critical). This range is too wide and should be harmonized. Instead of dealing with consequences, more value should be given to risk prevention. Threat levels are also difficult to predict. Therefore, we propose to apply following multipliers: low 1, medium, 2, and high 3. We would also be willing to support low 1, medium 3 and high 5.

MALTA

Malta notes that the Commission proposed a significant increase of 174% in the total initial allocation to national programmes (from €1.3 billion in 2014-2020 to €3.6 billion in 2021-2027). However, in the case of Malta the contrary applies. Malta's initial 2014-2020 allocation at €54.2 million was 167% higher than the proposed 2021-2027 allocation of €20.3 million². A substantial part of this decrease is due to the facts that the fixed amount remained the same in spite of the increase in the overall envelope, *and* the additional allocation to insular societies facing disproportional migration challenges has not been included in the 2021-2027 proposal. Malta will be seeking a fair solution to this situation.

In terms of the Criteria for the allocation of funding to the programmes, more specifically to the criteria of "external sea border management" Malta believes that external sea border management remains extremely challenging and should be given greater importance in the allocation criteria meaning that it should remain 45% as is currently the case in accordance with Article 8 of Regulation 515/2014. Malta reiterates its support for the proposal to re-establish the percentage allocation to 45%.

Annex 1 Paragraph 7(a) states that for the initial allocation of funding, the assessment of the workload shall be based on a number of factors, namely at external land borders and external sea borders: 70% for the number of crossings of the external border *at authorised border crossing points*; and 30% for the number of third-country nationals refused entry at the external border. Malta proposes to also take into consideration the number of "unauthorised crossings" in the calculations under this element. This would cater for the phenomenon of illegal migration in a manner that is clearer and closer to what happens at the border on the ground/sea.

Given that data will also be sourced from ECBG Regulation we would need clarity as to the similarities / distinctions between the different terms used, being "Threat or impact" levels and which will be used.

² All amounts are at 2018 prices and are based on Commission's calculations

THE NETHERLANDS

Nr. 7/ a and b

We would like to uphold the 70%-30% division at airports regarding a) the numbers of crossings of the external border and authorized border crossings points and b) for the numbers of third country nationals refused entry at the external border.

Nr. 11

The threat levels as proposed: the NL suggests to align the threat level criteria with the EBCGA Regulation and that of the current ISF Border and Visa Regulation: low/medium/high. In that sense the NL suggests to strike factor 8/critical threat since this level would activate a different mechanism/funding.

AUSTRIA

In general, due to the fact that the MFF/the budgetary question (how big is the overall amount?) is still under negotiation, AT still has a scrutiny reservation on Annex I.

AT believes that the method for calculating the allocation of the BMVI have to be improved.

One of the major objectives of the fund is the early prevention of illegal migration into the EU. The document advisors are the first frontier in the fight against illegal migration, since passengers who are trying to enter Schengen countries can be checked in the third country right away and barred from illegal entry to the EU Member States in the first place. In the course of this there is an important contribution to a systematic and regular cooperation between the responsible departments in the Member States. The inclusion of the document advisors has already served to enable a significant decrease of illegal entries by air.

The assistance and support for the other Member States cover up to 50% of the working time of each document advisor. Therefore the Austrian document advisors make a disproportionately strong contribution to achieving an systematic regular cooperation among the relevant competent bodies in the Member States. Achieving this objective involves an extensive system which includes a huge amount of efforts and task of applying these measures. AT believes that in the current proposal the work of the consular advisors at the consular offices and the workload involved is not taken into account on the derivation of the ratios. **Therefore AT believes that the amount of work and the significance of the measures under the criteria “Airports” and “Consular Offices” have not been properly taken into consideration and considers it necessary to increase the weighting percentage of the mentioned criteria.**

An additional option could be to define a 25% weighting for each of the criteria instead of the suggested allocation (30% land borders, 35% external sea borders, 20% airports, 15% consular offices).

Paragraph 1(a)

AT suggests that each Member State should receive a fixed amount of at least EUR 10 000 000 to ensure a successful implementation of planned measures.

Paragraph 1(c)

AT proposes a breakdown to 25% per criterion.

Defining a 25% weighting for each of the criteria instead of the suggested allocation could be a reasonable and fair solution, as also suggested by FR.

Paragraph 1(c) last subparagraph

AT remains at its position to increase this measure at least up to 20%.

Paragraph 7(c)

AT keeps its previous position regarding the criteria “consular offices”.

Furthermore, AT is in accordance with the opinion of DE relating to the periods under review which should refer to the years 2017, 2018, 2019.

POLAND

First and foremost, we would like to express our gratitude to the Commission for providing us with the 2021-2027 BMVI simulation. We believe that knowing the allocation beforehand will definitely benefit the preparation of national programmes and further projects.

With reference to your request we would like to address mainly three issues:

Point 1(c)

In principle, PL supports the proposed BMVI allocation key: 35% external for sea border, 30% for external land border, 20% for airports and 15% for consular offices,

Point 9(b)

PL propose to base on data provided by FRONTEX, which collects statistics from EU Member States within the framework of the Frontex Risk Analysis Network. This data reflects reality more appropriately than statistics produced by the Commission (Eurostat). Definitions used by Eurostat do not reflect the real workload, as they exclude substantial part of the refusals,

Point 11

PL position is that critical level should not be taken into account while distributing long term financing, since there will be different mechanisms and funding activated should emergency occur. The proposed range of threat levels differs 16 times (0.5 - low, 3 - medium, 5 - high and 8 - critical). This range is too wide and should be harmonized. Instead of dealing with consequences, more value should be given to risk prevention. Therefore, PL proposes to apply following multipliers: low - 1, medium - 2, and high - 3.

PORTUGAL

Portugal would like to start by emphasising our firm commitment and engagement to the Presidency's objective to seek an agreement on Annex I of the ISF/BMVI regulations during the second semester of 2019.

As we have expressed in several opportunities, as regards to Annex I of both ISF/BMVI Regulations, Portugal reserves its position to further discussions of the Ad Hoc Working Party on its content and extent.

Portugal does not concur with the fact that the fixed amount (EUR 5 000 000), proposed by the Commission, stays unchanged once compared with the previous MFF. In this regard, and considering the indications of the Commission for a significant increase on the overall amounts attributed to this policy area, Portugal advocates that the fixed amount should be increased in a 100%.

Regarding BMVI's criteria for the allocation of funding to the programmes under shared management, Portugal advocates a different allocation percentages, proposing instead 20% for external land borders, 35% for external sea borders, 30% for airports and 15% for consular offices.

The reasons for these proposals are:

- Aerial borders (and airports) do constitute the main external border of the EU in what concerns to traffic of persons, with the correlated threat levels;
- The previsions foresee the significant increase of the passengers in aerial borders in the near future, and years to come;
- In this context, there will be a significant increase in the investment to be made for the entry into force of IT systems such as ETIAS, PNR and EES;
- On the other hand, the technological developments over the automated border control fundamental for aerial borders, must stand as a priority for the EU, with the correspondent need for additional investments to be considered over the distribution key.

Bearing in mind the EBCGA Regulation, Portugal considers of extreme importance the proper alignment of the threat levels. Hence, PT solely advocates 3 threat levels, in multiples of 1, 2 and 3, as these are the ones considered as more appropriate for the correct estimation of the pending threats for all Member States. The current proposal, of the Commission, over the 4 criterion is clearly disadvantageous for the majority of the MS, not representing a compromise that could be accepted by PT. Our proposal is:

- factor 1 for low threat
- factor 2 for medium threat
- factor 3 for high threat

SLOVENIA

As it has already been highlighted by Slovenia several times there is a substantial shortcoming of the Article 4 of the Proposal for Regulation. Its definition quotes that the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet shall not be eligible to the funds.

Yet also at the borders where control has not been lifted, the Member States must use, replace and maintain infrastructure, buildings, systems and services at border crossing points and police stations at the green border to implement the Schengen acquis efficiently.

We propose that the measures referred to in paragraph 1 (a) of Annex III are considered justified, since Slovenia must comply with Schengen border control standards at the border to Croatia, which makes it dependent on adequate infrastructure, buildings, systems and services.

In addition, new functionalities introduced for border checks such as entry and exit system and ETIAS should be considered. It is not yet known whether Slovenia will have to implement this. If it has to implement this, it will also have to be funded.

Slovenia is still subject of periodical Schengen evaluation mechanism and annual EBCGA Vulnerability assessment. They both evaluates if the infrastructure, buildings, systems and services meet Schengen criteria /CVAM methodology, irrespective if they are set at the internal borders at which the controls have not been lifted yet.

In Annex 1 the external land borders is not clear defined. We propose placing the definition of external borders that would clearly include also the internal borders at which the controls have not been lifted yet.

Regular maintenance of border crossing points

Funds are required for the day-to-day maintenance of facilities and functional environments of the operating border crossing points at the external Schengen border. Their smooth operation in accordance with the Schengen standards, with occasional minor investments in terms of upgrading such as urgent improvements costs around 1.7 MIO EUR annually. This amount includes regular monthly activities of management, maintenance, cleaning, mowing, winter service, repair of equipment, etc. The amount of funds required is determined based on several years of spending for this purpose.

Investments at border crossings points according to the current needs

Renovation of the Sečovelje border crossing point (The facilities at this border crossing point are completely worn out and changes are needed. The infrastructure and traffic surfaces would also be renovated). Estimated value EUR 1.3 MIO EUR.

Reconstruction of local border crossing points Rakitovec, Brezovica pri Gradinu and Podgorje with associated equipment). Estimated value of 0.5 MIO EUR.

Arrangement of the freight terminal at the entrance to MP Obrežje (Increasing freight traffic has led to additional entry lanes. These are not currently covered and therefore do not allow sufficient conditions for border police tasks). Estimated value of 0.4 MIO EUR.

Replacement of the heating system at three border crossing points. Estimated value of 0,15 MIO EUR.

Replacement of used equipment to ensure uninterrupted power supply at the border crossing points (UPS devices and diesel electric generators). Estimated value of 0.12 MIO EUR.

Renovation of border crossing points Ormož and Žuniči. Currently, there are insufficient working conditions for police officers. Besides that, the current infrastructure is not sufficient for the traffic flow. Approximate estimated value of 0.5 - 1 MIO EUR.

SLOVAKIA

Slovakia generally supports the proposed allocation criteria in Annex I.

Regarding our proposal to increase the fixed amount of 5 mil. to 10 mil. from the instrument at the start of the programming period, Slovakia can accept the proposal as a general agreement among Member States.

Regarding the threat levels (paragraph 11), Slovakia still proposes that the threat levels should be in compliance with the proposal for a Regulation on EBCGA, i.e. three threat levels: low, medium and high. The critical level should not be taken into account while distributing long term financing, since there will be different mechanisms and funding activated should emergency occur. The following weighting factors should be applied to the threat levels: low 1, medium, 2, and high 3.