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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:	ISF - 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 Internal Security Fund - ANNEX I.

BULGARIA

Bulgaria supports in principle the originally proposed by the EC text of Annex I of the ISF Regulation.

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SPAIN

Paragraph 1

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

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CROATIA

HR considers the proposed distribution criteria to be inadequate given the fact that they do not reflect the real load and specificities of individual Member States. The distribution of funds according to the proposed key does not take into consideration other important criteria such as the length of external borders, the increase in the number of criminal offences, capacities and resources of Member States, etc. which are closely related to the safeguarding of security.

HR believes that besides the proposed criteria for the allocation of funds which are GDP (45%), population (40%) and territory size (15%), additional criteria should be taken into consideration, such as the length of the external border, migration pressure and the number of investigations of the most serious criminal offences which is related to it, especially the criminal offence of smuggling human beings and goods, as well as the capacities and resources of MS which definitely affect the safeguarding of European values in the area of security. The statement of the European Commission that criteria for the distribution of funds, *inter alia*, need to be defined according to the basic principles of clarity and measurability, stability and ease of use, fair distribution in accordance with the load and needs of Member States, goes in favour of the need to introduce additional criteria.

For example, we would like to state that in the current MFF, HR has at its disposal 21.7 million EUR under ISF, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, and only in the first eight months of this year 11 813 persons have been registered in the Republic of Croatia for illegal state border crossings, and to this date, 13 100 such attempts have been registered. Likewise, 595 smugglers of human beings have been apprehended in the same period and 672 smugglers have been charged with 626 criminal offences of human smuggling to this day. The increased number of criminal offenses related to migration pressure is directly related to poor police capacities of third countries on the migration route to the EU, the fact which was neglected when allocating funds in the current MFF. We would like to emphasise that HR also received the smallest financial envelope for PNR. Likewise, the fact of efficiency in the combating of all other forms of crime such as the combat against smuggling drugs, people, weapons, explosives etc., was ignored, which presents a special challenge for HR due to the developed groups of organised crime acting in the immediate neighbourhood of the EU. HR is of the opinion that the statement of the European Commission that smaller Member States have a several times greater number of criminal offences than larger states shows that differences in the application of legal definitions is not an argument which can be accepted as relevant. Furthermore, the European Commission does not explain which criminal offences are taken into consideration during the assessment and it is uncontested how such argumentation of the European Commission actually goes in favour of the fact that the principle of fair distribution of funds in accordance with the load and needs of Member States is being neglected.

Likewise, we believe that the migration pressure in individual Member States is not proportional to the size of the territory of the states and their population sizes. Therefore, by strengthening police capacities in Member States on the external border of the EU, we are directly contribution to the strengthening of financial resources in the future MFF, especially if we take into consideration the continuation of the adequate equipping with special equipment which presents a standard in the field of security safeguarding without which it will be difficult to ensure the desired level of protection for EU citizens. The increased needs should be added to this having in mind the upgrade of the existing and the introduction of new information systems, as well as the implementation of other regulations on the interoperability or the proposal for the expansion of PNR to other forms of traffic.

PUBLIC

HR is of the opinion 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 current foreseen resources are not sufficient to achieve the objectives to be financed in the upcoming period.

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HUNGARY

Paragraph 1

(1) a one-time fixed amount of EUR ~~5~~**10** 000 000 will be allocated to each Member State at the start of the programming period to ensure a critical mass for each programme and to cover needs that would not be directly expressed through the criteria indicated below;

Paragraph 2

(2) the remaining resources will be distributed according to the following criteria:

(a) ~~**45**~~ **50** % in inverse proportion to their gross domestic product (purchasing power standard per inhabitant),

(b) ~~**40**~~ **35** % in proportion to the size of their population,

(c) 15 % in proportion to the size of their territory.

OR

(c) 50 % in inverse proportion to their gross domestic product (purchasing power standard per inhabitant),

(d) 40 % in proportion to the size of their population,

(e) 10 % in proportion to the size of their territory.

POLAND

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

We would like to address the issue of criteria applied in Annex I point 2:
Despite of how hard a task it is to evaluate a Member State’s needs and allocate the funds appropriately, we think that the proposed criteria (population, territory, and GDP) are accurate, cover the most important areas, and fulfil the task well. This is why we support the original provisions. We see no need to introduce new criteria. We are afraid that discussions on shifting percentage levels between criteria may cause delays in starting the implementation of the Fund.

PUBLIC

PORTUGAL

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%.

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<u>**SLOVAKIA**</u>

Slovakia generally supports the provisions on allocation criteria proposed in Annex I.

Slovakia considers the criteria stated in paragraph 2 of the Annex I appropriate and fair.

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