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WORKING PAPER

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From:	General Secretariat of the Council
To:	JHA Counsellors on Financial Instruments
N° prev. doc.:	CM 3848/20; WK 10443 2020 INIT
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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund – Comments from the delegations

Delegations will find attached a compilation of replies received from Member States on the abovementioned subject.

Written comments submitted by the Member States

**Proposal for a Regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund
(doc. WK 10443/20 and following informal videoconference of the members of
JHA Counsellors on Financial instruments on 5 October, 2020)**

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AUSTRIA

(WK 10443/2020 INIT): request for comments on AMIF for inter-institutional negotiations

(WK 9626/2020 INIT): 4-column table AMIF

Line	Provision	Comments	AT-Position
100a - 100b	Article 4a	To re-consider the EP amendment in light of paragraphs 2 and 20 of the European Council Conclusions of 21 July 2021.	AT would prefer the wording in para 20 of the EUCO Conclusion of 21 st of July 2020, but can also compromise with the proposed wording of the COM. EP AM is not supported.
280a - 280c	Article 31a	Delegations to consider the possibility of a recital instead of a specific article.	AT suggests a transfer into art. 25. Considering the content of this art., it would make sense to combine those two articles.
331	Annex II	Delegations to consider the 2nd part of the EP amendment (from 'as regards' onwards).	AT supports the wording of the PGA.
333a, 335b, 336b, 337c, 340 and 341	ANNEX II	333a EP AM: <i>“implementing technical and operational assistance to one or several other Member States in cooperation with the European Asylum Support Office.”</i> 335b EP AM: <i>“enhancing partnership and cooperation with third countries affected by migratory flows including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of migration;”</i>	333a: AT prefers the wording of the PGA, but could compromise with the EP AM. 335b: AT can support the EP AM. 336b: AT prefers the wording of the PGA, because it is much broader and thus makes a more flexible fund. 337c: See comment for 336b. 340: AT can support the EP AM. 342: AT can support the EP AM.

Line	Provision	Comments	AT-Position
		336b EP AM: <i>“promoting integration measures for the social and economic inclusion of third country nationals, facilitating family reunification, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities, non-governmental organisations, including refugees and migrants organisations and social partners; and”</i> 337c EP AM: <i>“promoting and implementing protection measures for vulnerable persons in the context of integration measures.”</i> 340 EP AM: “supporting an integrated and coordinated approach to return management at the Union and Member States’ level, to the development of capacities for effective, <i>dignified</i> and sustainable return and reducing incentives for	

Line	Provision	Comments	AT-Position
		irregular migration;” 341 EP AM: supporting assisted voluntary return, <i>family tracing</i> and reintegration, <i>while respecting the best interests of minors;</i>	
346	ANNEX III	EP and COM asked for specific examples of IT systems which Council has in mind. Delegations are invited to provide examples. In addition, EP noted that an alternative term to 'interoperability' should be used in view of the specific connotation this term has in the policy context of migration.	The COM foresees a common system for data exchange, which should be installed by all MS. As far as AT has in mind, it was discussed to do in via SFC? For data exchange between the MS and their national beneficiaries, there are certain IT tools that are already in used by other funds in the current financial period. AT plans to use one system for all funds under the CPR. AT supports the EP’s suggestion to use an alternative term for “interoperability”.
356	ANNEX III	A possible compromise reached, subject to confirmation, on the basis of the following: "(e) enhancing the capacity of Member States to collect, analyse and disseminate <i>share among competent authorities</i> country of origin information;” Delegations to indicate their support or otherwise.	AT can support the wording.
347, 349, 350, 355, 363, 374, 380, 383	ANNEX III	347 EP AM: “the development, monitoring and	347: AT can support the wording. 349: AT is fine with the

Line	Provision	Comments	AT-Position
		evaluation of policies and procedures including on the <i>development</i>, collection and exchange of information and data, <i>analysis, dissemination of qualitative and quantitative data and statistics on migration and international protection and the</i> development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;” 349 EP AM: <i>“gender-sensitive</i> assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable groups <i>persons;</i>” 350 EP AM: “actions aimed at enhancing awareness of asylum, integration, legal migration and return policies <i>with specific attention to vulnerable groups, including minors,</i> among stakeholders and the general public; 355 EP AM: “establishing or	EP AM. 350: AT is fine with the EP AM. 355: AT prefers the wording of the PGA, because it is much broader and thus makes a more flexible fund. 363: AT is fine with the EP AM. 374: AT supports the wording in the PGA. 380: AT supports the wording in the PGA. 383: AT supports the wording in the PGA.

Line	Provision	Comments	AT-Position
		improving reception accommodation infrastructure, <i>such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and</i> including the possible joint use of such facilities by more than one Member State;” 363 EP AM: “development of mobility schemes to the Union, such as <i>including but not limited to</i> circular or temporary migration schemes, including <i>vocational and other</i> training to enhance employability;” 374 EP AM: “<i>improvement of</i> infrastructure for <i>open</i> reception or <i>and improvement of existing infrastructure for</i> detention; including the possible joint use of such facilities by more than one Member State;” 380 EP AM: “return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes, <i>including by</i>	

Line	Provision	Comments	AT-Position
		<i>providing specific guidance for children in return procedures and ensuring child-rights based return procedures;</i> 383 EP AM: “facilities and support services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards and a fast transition to community based accommodation;”	
394	ANNEX V	Delegations to reconsider Council's amendment in light of the Council position on Articles 16 and 17.	AT does not accept the deletion in the PGA wording. All indicators should be linked to the support of the fund. To detect other numbers that are not linked to the support of the fund would lead to an increase of the administrative burden. The aim in assessing the indicators should be to gather information on the implementation status of the fund.
466a	Annex VIII	EP AM: <i>“All the core performance indicators listed below shall be disaggregated by sex and age. “</i>	AT thinks that it makes sense that indicators in ANNEX VIII are disaggregated by sex and age.

BELGIUM

Line 466a:

BE does not agree: it is very burdensome to disaggregate all core performance indicators for all specific objectives by sex and age. We are of the opinion that this would create hurdles for organizations to implement projects because of the need to provide such details, and it would also create hurdles for the target group to participate because they don't want to share this sensitive information. In annex V (core performance indicators referred to in Art. 28 (1)), the disaggregation requested by EP is only related to specific Objective 1, whereas in Annex VIII, it would be applicable to all specific objectives. We would kindly ask Pdcy to check with EP if the disaggregation in Annex VIII can be limited to the core performance indicators of specific objective 1, as it is also the case in Annex V.

BULGARIA

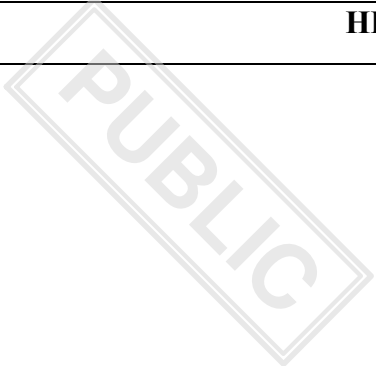
Line	Article	Comments		BG comments
100a - 100b	Article 4a	To re-consider the EP amendment in light of paragraphs 2 and 20 of the European Council Conclusions of 21 July 2021.		<i>We understand the need to introduce the European Council conclusions in the AMF Regulation. Although the implementation in practice of the suggested amendments are to be well considered. The introduction of such requirements may be not possible to be implemented especially as regards some of the implementation measures under AMF.</i>
331	Annex II Implement-ation measures	Delegations to consider the 2nd part of the EP amendment (from 'as regards' onwards).		<i>We consider the suggested amendment as limiting for the implementation.</i>
Various	Annex II	Lines 333a, 335b, 336b, 337c, 340 and 341.		<i>Concerning line 336b the suggested amendment would render more difficult the alienation with the ESF+. In this regard, we would like to remind our position expressed in various written procedures and during the discussions in the Ad-hoc WP on JHA financial instruments that clear distinction and coordination would be established among the EU funds that provide support in the field of integration.</i>
Various	Annex III	Lines 347, 349,		<i>As regards line 349 we consider the</i>

Line	Article	Comments		BG comments
		350, 355, 363, 374, 380, 383.		<i>text broad enough to provide for “gender-sensitive” assistance. In case the phrase is introduced in the beginning of the text it limits the possibilities for implementing other types of specific assistance and support services under the measure. The amendments in line 355 are again limiting.</i> <i>Concerning line 363 the suggested amendment would render more difficult the alienation with the ESF+. In this regard, we would like to remind our position expressed in various written procedures and during the discussions in the Ad-hoc WP on JHA financial instruments that clear distinction and coordination would be established among the EU funds that provide support in the field of integration.</i>
466a	Annex VIII			<i>The implementation in practice of this amendment is to be well considered.</i>

CROATIA

Line	HR comments
Line 100a - 100b (Art. 4a) EP amendment: Gender equality and non-discrimination The Commission and the Member States shall ensure that gender equality and the integration of the gender perspective are an integral part of, and are promoted during, the various stages of the implementation of the Fund. The Commission and the Member States shall take all appropriate steps to prevent any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation in access to the Fund and during the various stages of the implementation of the Fund. [Am. 79]	This is a political issue and at the same time, a part of a wider discussion on fundamental human rights. HR considers that it remains unclear in which manner the promotion of gender equality and the integration of the gender perspective would be ensured during the various stages of the implementation of the Fund.
Line 280a - 280c (Article 31a) Processing of personal data 1. For the purposes of the implementation of the AMIF with a view to achieving the objectives set out in Article 3, the Managing Authority, the Audit Authority and the beneficiaries, as data controllers, shall process, in accordance with Regulation (EU) 2016/679, the personal data necessary for the common indicators in Annex VIII, for monitoring, evaluation, control and audit and, where applicable, for determining the eligibility of participants. 2. The personal data referred to in paragraph 1 shall be retained in accordance with Article 76 of Regulation (EU) No .../... [CPR].	Concerning the proposed option of inserting a recital instead of a specific article, HR can be flexible.

Line	HR comments
Annex II (line 331) Implementation measures The Fund shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures: b) supporting the capacity of Member States’ asylum systems, <i>including at local and regional level</i>, as regards <i>infrastructure, such as adequate reception conditions, in particular for minors</i>, and services, <i>such as legal assistance and representation and interpretation</i> where necessary; [Am. 171]	This is a political issue, which is at the same time related to Articles 3 and 4 (Objectives of the Fund and Scope of support). HR supports the position of the Council as we do not see the point in giving concrete examples for funding infrastructure and services in Annex II and we consider that a general formulation suggested by the Council is a better solution: b) supporting the capacity of Member States’ asylum systems as regards infrastructures and services where necessary;
Various lines 333a, 335b, 336b, 337c, 340 and 341 Line 333a (da) implementing technical and operational assistance to one or several other Member States in cooperation with the European Asylum Support Office. [Am. 174] Line 335b 2. The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures: ab) <i>enhancing partnership and cooperation with third countries affected by migratory flows including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of</i>	Considering that Articles 3 and 4 have still not been agreed upon (at the same time, they are political issues), we cannot discuss the implementation measures referred to in Annex II which build on the said Articles. (333a, 335b, 336b, 337c, 340 and 341)

Line	HR comments
<i>migration</i>; [Am. 177] Line 336b 2a. <i>The Fund shall contribute to the specific objective set out in point (c) of Article 3(2), by focusing on the following implementation measures:</i> <i>(a) promoting integration measures for the social and economic inclusion of third country nationals, facilitating family reunification, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities, non-governmental organisations, including refugees and migrants organisations and social partners;</i> <i>(b) promoting and implementing protection measures for vulnerable persons in the context of integration measures. [Am. 179] (line 337c)</i> Line 340 3. The Fund shall contribute to the specific objective set out in <i>point (ca) of Article 3(2)(e) 3(2)</i>, by focusing on the following implementation measures: [Am. 180] b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective, <i>dignified</i> and sustainable return and reducing incentives for irregular migration; [Am. 181] c) supporting assisted voluntary return, <i>family tracing</i> and reintegration, <i>while respecting the best interests of minors</i>; [Am. 182] (line 341)	

Line	HR comments
ANNEX III (line 346) Scope of support (b) the setting up of administrative structures, <i>and</i> systems, <i>including the development of IT systems and the interoperability of databases</i> and, tools and training of staff, including local authorities and other relevant stakeholders; (line 346)	EP and COM asked for specific examples of IT systems which Council has in mind. Delegations are invited to provide examples. For example, the creation of an IT system ensuring the monitoring of business processes related to reception and accommodation of applicants for international protection, the procedure of granting international protection, the procedure of resettlement, data review and statistical reports according to defined criteria, managing data on interpreters and providers of free legal aid and their expenses as well as linking data to system data of other authorities.
Line 356 2. Within the specific objective referred to in Article 3(2)(a), the Fund shall in particular support the following actions:	A possible compromise reached, subject to confirmation, on the basis of the following: (e) enhancing the capacity of Member States to collect, analyse and disseminate share among competent authorities country of origin information HR supports the compromise proposal.
Various Lines 347, 349, 350, 355, 363, 374, 380, 383 Line 347 1. Within the policy objective referred to in Article 3(1), the Fund shall in particular support the following: [Am. 186] c)the development, monitoring and evaluation of policies and procedures including on <i>the development</i>, collection and exchange of information and data, <i>analysis, dissemination of qualitative and quantitative data and statistics on migration and international protection and the</i> development and application of common statistical tools, methods and indicators for	HR may support the amendment of the European Parliament, which enables the funding of development, collection, analysis, dissemination of qualitative and quantitative data and statistics on migration and international protection.

Line	HR comments
measuring progress and assessing policy developments; [Am. 189]	
Line 349 <i>e)gender-sensitive</i> assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable groups <i>persons</i> ; [Am. 190]	HR does not support adding the text “ <i>gender-sensitive</i> assistance and support services consistent with the status and the needs of the person concerned” as it is unclear how this will be implemented in practice.
Line 350 f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies <i>with specific attention to vulnerable groups, including minors</i> , among stakeholders and the general public; [Am. 192]	We consider that here it is not necessary to specifically emphasise: <i>with specific attention to vulnerable groups, including minors</i> , but we can be flexible in the spirit of compromise.
Line 355 2.Within the specific objective referred to in Article 3(2)(a), the Fund shall in particular support <i>actions such as:</i> d) establishing or improving reception accommodation infrastructure, <i>such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and</i> including the possible joint use of such facilities by more than one Member State; [Am. 198]	HR supports adding the text proposed by the European Parliament: d) establishing or improving reception accommodation infrastructure, <i>such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and</i> including the possible joint use of such facilities by more than one Member State.
Line 363 3.Within the specific objective referred to in Article 3(2)(b), the Fund shall in	HR can be flexible regarding the amendments of the European

Line	HR comments
particular support <i>actions such as:</i> b) development of mobility schemes to the Union, such as <i>including but not limited to</i> circular or temporary migration schemes, including <i>vocational and other</i> training to enhance employability; [Am. 206]	Parliament: b) development of mobility schemes to the Union, <i>including but not limited to</i> circular or temporary migration schemes, including <i>vocational and other</i> training to enhance employability;
Line 374 4. Within the specific objective referred to in <i>point (ca)</i> of Article 3(2)(c), the Fund shall in particular support the following: a) <i>improvement of infrastructure for open reception or and improvement of existing infrastructure for detention, including the possible joint use of such facilities by more than one Member State; [Am. 218]</i>	HR supports the position of the Council: a) infrastructure for <i>establishing or improving</i> reception or detention <i>infrastructure</i>, including the possible joint use of such facilities by more than one Member State;
Line 380 (g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes, <i>including by providing specific guidance for children in return procedures and ensuring child-rights based return procedures;</i>	HR does not support the amendment of the European Parliament. (unnecessary repetition)
Line 383 j) facilities and <i>support</i> services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for	HR supports the position of the Council:

Line	HR comments
unaccompanied minors and other vulnerable groups in line with international standards <i>and a fast transition to community based accommodation;</i>	j) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards;
ANNEX V (Line 394) Core performance indicators referred to in Article 28(1)	HR supports the position of the Council: Number of persons resettled with the support of the Fund.
ANNEX VIII (Line 466a) Output and result indicators referred to in Article 28(3) (466a) -1 <i>All the core performance indicators listed below shall be disaggregated by sex and age. [Am. 242]</i>	HR does not support the amendment of the European Parliament according to which all core performance indicators shall be disaggregated by sex and age, which might create additional administrative burden.

CYPRUS

Line 355 (d) *“establishing or improving reception accommodation infrastructure, **such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and including the possible joint use of such facilities by more than one Member**”*

Cyprus expresses disagreement with the EP’ position, as families with kids currently reside in Accommodation Centers, while the Local Authorities are not involved in the accommodation issues.

Line 374: (a) ***improvement of infrastructure for open reception or and improvement of existing infrastructure for detention, including the possible joint use of such facilities by more than one Member State; [Am. 218]***

Cyprus does not support the reference to the type of the center and in specific the use of the term “open” for the reception centers.

THE CZECH REPUBLIC

Line	CZ position
100a – 100b	Gender mainstreaming and non-discrimination approach are horizontal principles enshrined not only in the Charter of Fundamental Rights, but also in new Article 6a of CPR which is applicable to all shared management Funds. To repeat the same again in AMIF regulation does not make any sense and goes against principles of better regulation and readability of legal basis. The CZ is against the proposal of the EP.
280a - 280c	The CZ supports the idea of an Article rather than recital for better legal certainty both of MA and beneficiaries
331	The CZ could support the EP's proposal except the word "in particular" instead of this term we suggest "including". As soon as the words "such as" are interpreted as indicative and non-exhaustive, for better clarity the CZ suggest to use "such as for example" instead.
333a	The CZ can support the addition of new implementing measure "implementing technical and operational assistance to one of several other Member States in cooperation with the EASO"
335b	The CZ can support the addition of new implementing measure " <i>enhancing partnership and cooperation with third countries affected by migratory flows</i> " but with an objection to the second part of the line " <i>including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of migration</i> "
336b	This proposal is related to the proposed change of the EP to divide specific objective on supporting legal migration and integration into two separate specific objectives. The CZ is not against this idea, although it might lead to increasing the administrative burden during reporting. In case it is agreed that there will be separate SO for Integration than the proposal of EP 336b is acceptable if it reflects the changes made by Council (line 336), i.e. including "national authorities". The CZ suggests deleting <i>family reunification</i> , it is covered in line 335 and does not fall under integration measures.
337c	the same as 336b, in case it is agreed the split of specific objectives, the CZ can support this proposal.
340	the CZ can support to add word "dignified" into return procedure
341	the CZ can support to add family tracing to return procedures as well as "while respecting the best interests of minors".

Line	CZ position
346	As an example of possible IT systems could be mentioned IT systems for processing the residence permits of TCNs, IT systems for processing the asylum applications, return and reintegration management systems. <i>Interoperability</i> is the usual vocabulary in JHA related text and used across relevant legislation, it should be kept for the clarity and consistency of the language.
356	the CZ supports the compromise
347	the CZ can support the EP's proposal
349	the CZ can support the change of wording from "vulnerable groups" to "vulnerable persons". The CZ cannot support the addition of "gender-sensitive" as the original proposal already included "assistance (...) consistent with the status and the needs of the person concerned". That already includes gender sensitivity as well as any other sensitivity.
350	the CZ can support the EP's proposal
355	the CZ would accept the addition made by the EP if the wording was "such as for example"
363	the CZ is of the opinion that the vocational training have always been part of ESF and have always been out of the scope of AMIF. The CZ is of the opinion that it should stay as it used to be in order to draw clear demarcation lines between the Funds and avoid double funding. The CZ does not support EP proposal.
374	the CZ supports the Council proposal to include also "establishment" of such infrastructure, not only improvement.
380	the CZ can support the EP's proposal
383	the CZ does not support the EP's proposal
394	the CZ is flexible on this issue
466a	the CZ is strictly against this proposal. It will only increase administrative burden and it will not bring any additional value. Having on mind the current approach to sex and gender it is not sufficient to have just two categories, it is unclear how many of them should be included and who would provide a methodology. The gender identity is extremely sensitive and personal issue of the TCNs and to force them to fill in a category when receiving a support is very gender insensitive. As regards the age it leads to practical problems as people are getting older every year and a person receiving support for more years would move among the categories or would be counted multiple times.

ESTONIA

- **Lines 100a-100b**

EE does not oppose the COM compromise text.

- **Lines 280a-280c**

EE supports the Council proposal as according to the legal service, in case deleting the article 31a and adding the recital instead, there is no clear legal basis for the processing of data.

- **Line 331 (Annex II)**

EE supports the Council position as it gives more flexibility.

- **Lines 333a, 335b, 336b, 337c, 340 and 341 (Annex II)**

EE supports the Council position, however we do not oppose the EP proposal.

- **Line 346**

EE regards the possibility to finance IT/ICT systems and guarantee their compatibility very important. Some examples: 1) the database of granting international protection. The purpose of the database is to process the data of applicants for international protection, refugees, persons eligible for subsidiary protection and persons eligible for residence permit of beneficiary of international protection and applications submitted by them; 2) development of ICT system supporting the return process. Purpose of the ICT system is to provide fast and accurate procedure of irregular migrants taking into consideration the migrants' fundamental rights.

- **Line 356**

EE prefers the Council position, however we can support the compromise.

- **Lines 347, 349, 350, 355, 363, 374, 380, 383 (Annex III)**

EE supports the Council position.

- **Line 394**

EE prefers the Council position.

- **Line 466a**

EE does not support the EP proposal. The target group of AMIF is very sensitive, therefore collecting the indicators disaggregated by sex and age would be very complicated and burdensome.

FINLAND

Art. 4a (lines 100a and 100b)

- FI can be flexible with the EP compromise proposal for Art. 4a.

Art. 31a (lines 280a - 280c)

- FI is fine with a recital instead of a specific article if this can be used as leverage in the negotiations.

Annex II (line 331)

- FI does not consider this particularly problematic as the proposed wording seems to be only indicative (“such as”). We can be flexible.

Annex II (various lines)

- Line 333a: FI is fine with the amendment.
- Substance in lines 335b, 336b and 337c as such is ok but FI is of the opinion that the SO2 should be kept intact and not be split into two separate SOs.
- Line 340: FI can support the amendment.
- Line 341: FI can support the amendment.

Annex III (line 346)

- Migration management operates more and more with electronic handling systems and other IT-systems which are used for instance by the immigration officers, local and regional authorities and by the employment services. Even in the field of integration and legal migration there is constant need for customer case management and follow-up of customer cases in the relevant databases and electronic handling systems.

Annex III (line 356)

- FI can be flexible with the EP amendment.

Annex III (various lines)

- Line 347: FI is fine with the amendment.
- Line 349: The addition made by the EP is perhaps a bit too detailed although FI does not see it problematic as such. Gender-sensitivity can be considered to be taken into account and included in the article 4a. FI is fine with referring to vulnerable persons instead of groups.
- Line 350: FI can be flexible.
- Line 355: FI can be flexible. FI does not consider this problematic as the proposed wording seems to be only indicative (“such as”).
- Line 363: FI can be flexible.
- Line 374: FI does not support the EP amendment which limit flexibility regarding measures linked to reception and detention infrastructure. Provisions should also allow the support for establishment of these kinds of infrastructures.
- Line 380: FI supports the EP amendment which is in line with the principle of protecting Children in migration.
- Line 383: FI can be flexible.

Annex V (line 394)

- FI can be flexible.

Annex VIII (line 466a)

- FI could be flexible here if there are meaningful and not too heavy ways to implement this in practice.

HUNGARY

Lines 100a, 100b – As the Council conclusions of 21 July 2021 underline references to gender equality, human and fundamental rights, compliance with these requirements should be regulated at a horizontal level, i.e. in the CPR. Hungary supports the Council's proposal.

Line 331 – Hungary supports the Council's proposal.

Line 333a – It is not clear what the purpose of the EP's addition proposal is, Hungary does not support it.

Lines 335b, 336b, 337c – Hungary supports the council's proposal.

Lines 340, 341 – Hungary may accept the proposal of EP.

Line 346 – Hungary support's the Council's proposal. As asylum and migration are constantly evolving any Member State may completely rebuild its relevant registration systems or may initiate the changes which require major developments and which can no longer be considered as simple improvements.

Line 356 – In our view, the results of country information research have so far been shared within the authorities in the Member States the progress would be made if this information were shared between the Member States, as the EP proposal states. Hungary supports the EP proposal.

Lines 347, 349, 350, 355, 363, 374, 383 – Hungary support the Council's proposals.

Line 380 – Hungary may support the EP's proposal.

Lines 394, 394a, 396a, 396b – Hungary has repeatedly indicated that it does not support relocations or humanitarian admission, but does not object if other Member States participate in the implementation.

Lines 396c,d,e,f,g, 399a,b, 402b,c,d,e,f – Hungary does not support the EP's proposals.

Lines 476b,c,d,e,f, 479a,b, 485a – Hungary does not support the EP's proposals.

Line 486 – Hungary supports the compromise proposal.

492c,d,e,f,g – Hungary does not support the EP's proposals.

LITHUANIA

Line	Article	Comments	Position of Social Security and Labour Ministry
100a - 100b	Article 4a	To re-consider the EP amendment in light of paragraphs 2 and 20 of the European Council Conclusions of 21 July 2021.	
280a - 280c	Article 31a	Delegations to consider the possibility of a recital instead of a specific article.	
331	Annex II	Delegations to consider the 2nd part of the EP amendment (from 'as regards' onwards).	
Various	Annex II	Lines 333a, 335b, 336b, 337c, 340 and 341.	336b – we support the use of „integration“ instead of „early integration“ as there is no clear distinction between early integration and subsequent integration.
346	Annex III	EP and COM asked for specific examples of IT systems which Council has in mind. Delegations are invited to provide examples. In addition, EP noted that an alternative term to 'interoperability' should be used in view of the specific connotation this term has in the policy context of migration.	For example, an IT system for collecting and process data necessary for efficient migration flows management, for individual cases evaluation, etc. https://www.migracija.lt/en/app/auth/login
356	Annex III	A possible compromise reached, subject to confirmation, on the basis of the following: "(e) enhancing the capacity of Member States to collect, analyse and disseminate <i>share among competent authorities</i> country of origin information;" Delegations to indicate their support or otherwise.	
Various	Annex III	Lines 347, 349, 350, 355, 363, 374, 380, 383.	374 – we would support „(a) infrastructure for <i>establishing or improving</i> reception or detention <i>infrastructure</i> , including the possible joint use of such facilities by more than one Member State;“ as limiting the investments to „improvement“ would greatly limit the possibility to expand the

Line	Article	Comments	Position of Social Security and Labour Ministry
			infrastructure which is needed in many cases
394	Annex V	Delegations to reconsider Council's amendment in light of the Council position on Articles 16 and 17.	
466a		Annex VIII	We would advise to reconsider the added value of this additional data and the administrative burden it will accumulate to beneficiaries and managing authorities. This specific data in common indicators will not illustrate whether the investments were targeted at specific age/gender target groups, it will only illustrate the age/gender proportions in migrant community in the specific member state. Additionally the experience with ESF common indicators shows that every additional data value causes a significant increase in administrative burden.

THE NETHERLANDS

Line 100b: NL can agree to the proposed text of the EP for article 4a. NL would like to reiterate that paragraph 1 speaks about equality between men and women but that not everyone identifies or defines themselves as men or women.

Line 280a-280c: Looking at the proposed text In the opinion of NL it is more logical having this in a specific article but we can also agree to putting this in a recital, but favourable it would be part of the CPR.

Line 331: agree

Line 333a: agree

Line 335b: agree

Line 336b: agree

Line 337c: agree

Lines 340, 341, 356, 347, 350, 355, 363: agree

Line 346: We do not have any concrete examples

Line 349: Agree but in favour of original text

Line 374: The fund should also be used for the establishment of infrastructure not only for the improvement of infrastructure

Line 380: No position yet, could be explained what is meant with “child-rights based return procedures”?

Line 383: No position yet, could be explained what is meant with “and a fast transition to community based accommodation”?

Line 394: NL can agree to this amendment due to the lower administrative burden although it would be more logical to report on the numbers that are supported by the Fund so you could determine the added value of the Fund.

Line 446a: NL does not agree to this addition due to the extra administrative burden.

POLAND

Lines 100a-100b – PL prefer the EC proposal,

Lines 280a-280c – PL is flexible about possibility of a recital instead of a specific article,

Line 331 – Annex II – PL prefer the Council's approach, which leaves more flexibility in the use of funds - we do not think it is necessary to list specific actions,

Line 335b – Against the EP proposal. The development of legal migration must always take into account the competences of the MS in this area and be determined by the needs of national labour markets,

Line 340 – PL is in favour of the Council's approach – the term 'dignified' at, e.g. forced returns, may cause interpretation problems,

Line 341 – PL is in favour of the Council's approach,

Line 347 – PL is in favour of the Council's approach,

Line 350 – PL can be flexible,

Line 355 – PL is in favour of the Council's approach,

Line 356 – PL support new proposal,

Line 363 – PL can be flexible,

Line 374 – PL is in favour of the Council's approach – the wording proposed by the Council better reflects the nature of the needs, and not only the improvement but also the establishment of such infrastructure can be important,

Line 380 – PL can be flexible,

Line 383 – PL is in favour of the Council's approach,

Line 466a – it is not necessary to add this amendment. Such disaggregation is applied already, e.g. indicators or statistical issues.

PORTUGAL

As part of the ongoing inter-institutional negotiations, the Presidency would like feedback on the EP amendments in the lines below (refer to WK 9626/20 for the latest 4-column table). Any particular feedback required is specified under comments. Delegations may also raise comments / questions on these lines at the upcoming informal videoconference of the members of the JHA Counsellors on Monday 5 October.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
Article 4a Gender equality and non-discrimination (lines 100a and 100b)		<i>The Commission and the Member States shall ensure that gender equality and the integration of the gender perspective are an integral part of, and are promoted during, the various stages of the implementation of the Fund. The Commission and the Member States shall take all appropriate steps to prevent any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion,</i>		Following request by the co-legislators, the Commission proposed the following possible compromise text that corresponds to Article 6a (new) CPR as provisionally agreed by co-legislators and lists the discrimination grounds of Article 19 TFEU: 1. "The Member States and the Commission shall ensure that equality between men and women, gender mainstreaming and the integration of gender perspective are taken into

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
		<i>membership of a national minority, property, birth, disability, age or sexual orientation in access to the Fund and during the various stages of the implementation of the Fund. [Am. 79]</i>		account and promoted throughout the preparation, implementation, monitoring, reporting and evaluation of programmes and projects. 2. The Member States and the Commission shall take appropriate steps to exclude any discrimination based on sex, race, colour racial or ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation during the preparation, implementation, monitoring, reporting and evaluation of programmes and

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
				projects." <u>PT does not oppose</u> the drafting suggestion.
Article 31a Processing of personal data (lines 280a - 280c)		<i>1. For the purposes of the implementation of the AMIF with a view to achieving the objectives set out in Article 3, the Managing Authority, the Audit Authority and the beneficiaries, as data controllers, shall process, in accordance with Regulation (EU) 2016/679, the personal data necessary for the common indicators in Annex VIII, for monitoring, evaluation, control and audit and, where applicable, for determining the</i>		Delegations to consider the possibility of a recital instead of a specific article. <u>PT does not oppose</u> to any of the proposals (recital or specific article).

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
		<i>eligibility of participants.</i>		
		<i>2. The personal data referred to in paragraph 1 shall be retained in accordance with Article 76 of Regulation (EU) No .../... [CPR].</i>		Delegations to consider the possibility of a recital instead of a specific article. <u>PT does not oppose</u> to any of the proposals (recital or specific article).
Annex II (line 331)	(b) supporting the capacity of Member States' asylum systems as regards infrastructures and services where necessary;	(b) supporting the capacity of Member States' asylum systems, <i>including at local and regional level</i> , as regards infrastructures <i>infrastructure, such as adequate reception conditions, in particular for minors, and services, such as legal assistance and representation and</i>	(b) supporting the capacity of Member States' asylum systems as regards infrastructures and services where necessary;	Delegations to consider the 2nd part of the EP amendment (from 'as regards' onwards). <u>PT does not oppose</u> the EP amendment.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
		<i>interpretation</i> where necessary; [Am. 171]		
Annex II (lines 333a, 335b, 336b, 337c, 340 and 341)		<i>(da) implementing technical and operational assistance to one or several other Member States in cooperation with the European Asylum Support Office. [Am. 174]</i>		<u>PT does not oppose</u> the EP amendment.
		<i>(ab) enhancing partnership and cooperation with third countries affected by migratory flows including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of migration; [Am. 177]</i>		<u>PT does not oppose</u> the EP amendment.
		<i>(a) promoting integration measures for the social and</i>		<u>PT does not oppose</u> the EP

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
		<i>economic inclusion of third country nationals, facilitating family reunification, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities, non-governmental organisations, including refugees and migrants organisations and social partners; and</i>		amendment.
		<i>(b) promoting and implementing protection measures for vulnerable persons in the context of integration measures. [Am. 179]</i>		<u>PT does not oppose</u> the EP amendment.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
	(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective and sustainable return and reducing incentives for irregular migration;	(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective, <i>dignified</i> and sustainable return and reducing incentives for irregular migration;	(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective and sustainable return and reducing incentives for irregular migration;	<u>PT does not oppose</u> the EP amendment.
	(c) supporting assisted voluntary return and reintegration;	(c) supporting assisted voluntary return, <i>family tracing</i> and reintegration, <i>while respecting the best interests of minors</i> ; [Am. 182];	(c) supporting assisted voluntary return and reintegration;	<u>PT does not oppose</u> the EP amendment.
Annex III (line 346)	(b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other	(b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant	(b) the setting up of administrative structures, <i>and</i> systems, including the development of IT systems and the interoperability of databases and , tools and training of	EP and COM asked for specific examples of IT systems which Council has in mind. Delegations are invited

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
	relevant stakeholders;	stakeholders <i>in cooperation with relevant Union agencies, where appropriate</i> ; [Am. 188]	staff, including local authorities and other relevant stakeholders;	to provide examples. In addition, EP noted that an alternative term to 'interoperability' should be used in view of the specific connotation this term has in the policy context of migration. <u>PT supports the Council position.</u>
Annex III (line 356)	(e) enhancing the capacity of Member States to collect, analyse and disseminate country of origin information;	(e) enhancing the capacity of Member States to collect, analyse and disseminate <i>share among themselves</i> country of origin information;	(e) enhancing the capacity of Member States to collect, analyse and disseminate country of origin information;	<u>PT does not oppose</u> the EP amendment.
Annex III	(c) the development, monitoring and evaluation	(c) the development, monitoring and evaluation of policies and	(c) the development, monitoring and evaluation of policies and	<u>PT does not oppose</u> the EP amendment.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
(lines 347, 349, 350, 355, 363, 374, 380, 383)	of policies and procedures including on collection and exchange of information and data, development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;	procedures including including on the development , collection and exchange of information and data, <i>analysis, dissemination of qualitative and quantitative data and statistics on migration and international protection and the development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments; [Am. 189]</i>	procedures including on collection, and exchange <i>and analysis</i> of information and data, development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;	
	(e) assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable	(e) <i>gender-sensitive</i> assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable	(e) assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable groups;	<u>PT does not oppose</u> the EP amendment.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
	groups;	<i>persons</i> groups;		
	(f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies among stakeholders and the general public;	(f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies <i>with specific attention to vulnerable groups, including minors,</i> among stakeholders and the general public;	(f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies among stakeholders and the general public;	<u>PT does not oppose</u> the EP amendment.
	(d) establishing or improving reception accommodation infrastructure, including the possible joint use of such facilities by more than one Member State;	(d) establishing or improving reception accommodation infrastructure, <i>such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and</i> including the possible joint use of such facilities by more	(d) establishing or improving reception accommodation infrastructure, including the possible joint use of such facilities by more than one Member State;	<u>PT does not oppose</u> the EP amendment.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
		than one Member State; [Am. 198]		
	(b) development of mobility schemes to the Union, such as circular or temporary migration schemes, including training to enhance employability	(b) development of mobility schemes to the Union, such as including but not limited to circular or temporary migration schemes, including vocational and other training to enhance employability; [Am. 206]	(b) development of mobility schemes to the Union, such as circular or temporary migration schemes, including training to enhance employability	<u>PT does not oppose</u> the EP amendment.
	(a) infrastructure for reception or detention, including the possible joint use of such facilities by more than one Member State;	(a) improvement of infrastructure for open reception or and improvement of existing infrastructure for detention, including the possible joint use of such facilities by more than one Member State; [Am. 218]	(a) infrastructure for establishing or improving reception or detention infrastructure , including the possible joint use of such facilities by more than one Member State;	<u>PT supports the Council position.</u>
	(g) return assistance, in particular assisted voluntary	(g) return assistance, in particular assisted voluntary	(g) return assistance, in particular assisted voluntary return and	<u>PT does not oppose</u> the EP amendment.

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
	return and information about assisted voluntary return programmes;	return and information about assisted voluntary return programmes, <i>including by providing specific guidance for children in return procedures and ensuring child-rights based return procedures</i> ; [Am. 222]	information about assisted voluntary return programmes;	
	(j) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards;	(j) facilities and support services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards and a fast transition to community based accommodation; [Am. 223]	(j) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards;	<u>PT supports the Council position.</u>

Provisions and lines	ST 10153/18 + ADD 1 (COM proposal – 471 final/ 471 FV 2)	A8-0106/2019 EP Position at the first reading adopted on 13/03/2019	ST 10148/19 Partial general approach (JHA Council on 7 June 2019)	Compromise text and PT comments
Annex V (line 394)	1. Number of persons resettled with the support of the Fund.	1. Number of persons resettled with the support of the Fund.	1. Number of persons resettled with the support of the Fund.	Delegations to reconsider Council's amendment in light of the Council position on Articles 16 and 17. <u>PT supports the Council position.</u>
Annex VIII (line 466a)		<i>-1 All the core performance indicators listed below shall be disaggregated by sex and age. [Am. 242]</i>		<u>PT does not oppose</u> the EP amendment.

ROMANIA

With a view to WK 10443/2020 INIT document, regarding some amendments from the European Parliament, RO has the following comments:

- **Lines 100a- 100b:** for obtaining a compromise proposal we can agree with EP's proposal;
- **Lines 280a-280c:** we agree with the introduction of this article as a new recital, instead of an article;
- **Line 331:** we can support the EP's proposal;
- **Lines 333a, 335b, 336b, 337c, 340 and 341:** we can support the EP's amendments;
- **Line 346:** We can mention the IT system for managing/monitoring legal residence of TCN, which could be developed at national level, used also to feed up EU IT systems with relevant data; also, Member States' components of the EU IT systems in place.
- **Line 356:** we can support the proposal;
- **Lines 347, 349, 350, 355, 363, 374, 380, 383:** We do not agree with the changes from line 374 regarding the term "*Improvement of infrastructures for open reception.*", because in RO there are no infrastructure for open reception for the purpose of return and we think that this type of infrastructure involved huge efforts as regards human resources and from financial point of view.

We support the idea to implement alternative to detention for the purpose of return, but to invest in state infrastructure (open reception) is not an efficient action to be implemented in the current legislative context.

- **Line 394a:** we can agree with the EP proposal in view to have an indicator for humanitarian admission too.
- **Line 466a:** we do not support the EP's proposal "*All the core performance indicators listed below shall be disaggregated by sex and age*", this measure being one which will raise the administrative burden for beneficiaries and authorities, especially the condition to be disaggregated by age.

THE SLOVAK REPUBLIC

Lines	Comments of the SK delegation - AMF
100a- 100b	Flexibility
280a – 280c	Flexibility
331	Flexibility
Divers	Flexibility
346	Examples of IT systems: MIGRA, MIGDOC, Information System of Records of Foreigners (ECU)
356	Flexibility
Divers	Flexibility
394	Flexibility
466a	flexibility

SPAIN

LINE	ARTICLE	PRE COMMENTS	SPANISH COMMENTS and/or OBSERVATIONS
00a-00b	Art. 4a	To re-consider the EP amendment in light of paragraphs 2 and 20 of the European Council Conclusions of 21 July 2021.	Spain could accept COM compromise text in order to include EP amendment in light of paragraphs 2 and 20 of European Council Conclusions of July 21 st 2021.
280a-280c	Art. 31a	Delegations to consider the possibility of a recital instead of a specific article.	Spain could accept the possibility to have a recital instead of a specific article on the matter.
331	Annex II	Delegations to consider the 2nd part of the EP amendment (from 'as regards' onwards).	Spain could accept the 2 nd part of EP amendment, although it considers that it was also included in Council partial approach drafting.
Various	Annex II	-	-
333a			Spain prefers to maintain Council and COM drafting.
335b			Spain prefers not including EP amendment.
336b			Spain prefers to maintain Council and COM drafting.
337c			Spain prefers to maintain Council and COM drafting.
340			Spain could accept the compromise proposal
341			Spain prefers maintaining Council and COM drafting.
		EP and COM asked for specific examples of IT systems which Council has in mind. Delegations are invited to provide examples.	-

LINE	ARTICLE	PRE COMMENTS	SPANISH COMMENTS and/or OBSERVATIONS
346	Annex III	In addition, EP noted that an alternative term to 'interoperability' should be used in view of the specific connotation this term has in the policy context of migration.	
356	Annex III	A possible compromise reached, subject to confirmation, on the basis of the following: "(e) enhancing the capacity of Member States to collect, analyse and disseminate <i>share among competent authorities</i> country of origin information;" Delegations to indicate their support or otherwise.	Spain prefers maintaining Council and COM drafting.
Various	Annex III	-	-
347			Spain prefers to maintain Council and COM drafting.
349			Spain would accept EP amendment
350			Spain would accept EP amendment
355			Spain prefers maintaining Council and COM drafting.
363			Spain would accept EP amendment
374			Spain prefers to maintain Council General approach drafting.

LINE	ARTICLE	PRE COMMENTS	SPANISH COMMENTS and/or OBSERVATIONS
380			Spain would accept EP amendment
383			Spain prefers to maintain Council and COM drafting.
394	Annex V	Delegations to reconsider Council's amendment in light of the Council position on Articles 16 and 17.	Spain would accept EP and COM drafting.
466a	Annex VIII	-	Spain would not accept EP amendment due to its administrative burden.