



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0250 (COD)**

Brussels, 05 November 2020

WK 12246/2020 INIT

LIMITE

**JAI
FRONT
ENFOPOL
CT
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	Presidency
To:	JHA Counsellors on Financial Instruments
N° Cion doc.:	10154/18
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund - Compilation of replies

Delegations will find enclosed a compilation of replies to WK 11415/20 on the above proposal.

WRITTEN COMMENTS SUBMITTED BY THE MEMBER STATES
Proposal for a Regulation of the European Parliament and of the Council
establishing the Internal Security Fund
WK 11415/20

Table of contents

AUSTRIA.....	2
CROATIA	4
HUNGARY	5
POLAND	6
ROMANIA	7
SPAIN	10

AUSTRIA

Line 139, Art. 4 (3) (f):

AT supports Council position – in emergency situations all actions should be eligible
proposal for a compromise text: “Where an emergency situation occurs, non-eligible actions referred to in this paragraph may be considered eligible except point (c).”

Amendments to Annex VIII

PRES-request - AT Comment to “data basis”:

PRES request is not fully clear.

In case PRES refers to the possible data sources for indicators one has to distinguish between

- shared management: AT can agree that data source is the MS
- direct / indirect management: in this case data sources will be others than MS

Specific Objective 1: Better information exchange

Output indicators

3. Number of information systems and databases/networks/functionalities/services set up/adapted/maintained (line 502) - *provisionally agreed in substance but exact wording still open*

Result indicators

1. Number of databases and networks made interoperable in the Member States/with EU information systems/with international databases (line 506) - *provisionally agreed in substance but exact wording still open*

PRES request - Wording for IT / ICT:

AT supports Council position in document “General approach” 10972/2/2020 REV 2 and proposes to use the term “Information and Communication Technology / ICT” because this wording fits best to the objectives of the Fund.

Definition says inter alia:

“ICT is a broad subject and the concepts are evolving. It covers any product that will store, retrieve, manipulate, transmit, or receive information electronically in a digital form (e.g. personal computers, digital television, email, or robots).”

ICT covers “...the use of computers and other electronic equipment and systems to collect, store, use, and send data electronically..”

Annex VIII, Indicators SO1:

Except ICT-issue AT can agree to the other EP-amendments

Specific Objective 2: Increased operational cooperation

Output indicators: No objections to the proposals

Result indicators: Indicators point 4 and 5

[4. Number of cross-border operations in which wildlife were seized (line 533)

5. Number of cross-border operations in which cultural goods were seized (line 533)]

AT sees these two additional indicators critical - based on the previous experiences they will not produce good results for a quantitative and qualitative assessment of the Fund – but in principle we can live with them.

Indicators point 2 and 3

[2. Quantity of illicit drugs seized in the context of cross-border operations by type of product (line 533)

3. Quantity of weapons seized in the context of cross-border operations by type of weapon (line 533)]

No objections to the proposals

Specific Objective 3: Strengthened capabilities to combat and to prevent crime

Output indicators:

AT is not convinced that indicators 8.1 and 8.2 will lead to a better assessment of the Fund but we can agree

Result indicators:

The introduction of Indicator point 4 [4. Number of joined centres of excellence or common operational support centres created (line 566)] is seen critical by AT and should be dropped.

To the other result indicators AT can agree.

CROATIA

Line 139

Croatia supports Council position, but in the spirit of compromise can also support EP amendment.

HUNGARY

Line 138. *eligibility of informant rewards and flash money*

HU can accept the proposed wording.

Line 139. *eligibility of non-eligible actions in case of emergency situation*

In a spirit of compromise HU is willing to show flexibility and open to accept any of the proposed versions.

Annex VIII

HU is surprised to over again see new indicators added to the previous list reiterating that no further expansion of the indicators is viewed necessary.

- Therefore HU does not support inserting line 508 and adding two more indicators (SO1 Results: „*Number of participants who consider the training useful for their work*” and „*Number of participants who report three months after the training activity that they are using the skills and competences acquired during the training*”).

These new indicators would further increase the administrative burden of the MSs and there is no universal measurement to verify if the participants reply positively.

- Similar amendment is noticed regarding line 566 (SO 3 Outputs: „*Number of victims of crimes assisted of which number of victims of terrorism/child sexual exploitation*”).

The breakdown of the assistance again raises the administrative burden and HU does not see then why there are no further categories (e.g. victims of THB) upon which, MSs, for instance HU too, wishes to concentrate more efforts on.

As for **line 533, (*breaking down the seized drugs and weapons into categories*)**, HU does not opine that the more detailed reporting would be misapplied, but it will be nearly impossible to set decent target values for the indicators because no-one can precisely predict the type and quality of the drugs that would be seized between 2021 and 2029 during only operation (not during other police measures – e.g. house searches in the later stages of investigations).

One big category, as it is in the PGA now (quality of drugs) provides more adaptability, because, for instance, if less cocaine, but more heroin is confiscated the summarized planned amount still can be reached. Consequently, HU does not support the modification as that limits flexibility and again raise the administrative burden.

POLAND

In a spirit of compromise, PL could accept the EP amendment on line 139 (Article 4(3)) (f).

Annex VIII – Indicators:

SO1 Result indicator No. 4: An additional training indicator is unnecessary. It partially duplicates the indicator No. 3. Moreover, its introduction would require the beneficiaries to report the indicator often after the project completion. This introduces unnecessary administrative burden.

SO2 Result indicators No. 2-3: What is the purpose of listing the types of drugs and weapons? This can be an administrative burden.

SO2 Result indicators No. 4-5: There is no justification for listing other types of crime. The number of result indicators seems appropriate for this specific objective.

SO3 Output indicator No. 8: Indicator No. 8 partially covers the indicator No. 7. Moreover, what is the purpose of dividing indicator No. 8 into sub-indicators? This list will not exhaust the list, for example there are no victims of human trafficking. No justification for introducing a division into types of crime victims.

SO3 Result indicator No. 4: No support for this indicator.

SO3 Result indicator No. 6: A similar remark as with SO1 indicator No. 4. This would require beneficiaries to report the indicator often after the end of the project. This introduces unnecessary administrative burden.

ROMANIA

Line 138 (rewording EMPACT in EU policy cycle operation)

RO agrees with the text.

Line 139 (eligibility of military action in case of emergency situation)

Even agreeing with the EP's observation that military actions are very sensitive, RO supports the Council's position, because the involvement of military forces may be necessary in major internal security crises. The subject will have to be approached by MS with maximum attention.

Lines 500, 501, 503 – SO 1 Output indicators

No changes compared to CONS mandate, Provisionally agreed, RO has no comments.

Lines 502 – SO 1 Output indicators

RO supports the CONS mandate (*Number of ICT systems/functionalities/services developed/maintained/upgraded*), but can be open to a new wording, having in mind that databases and communication infrastructure (network) are components of standard information systems.

SO 1 Output indicators - Indicator 5 (Number of transport means purchased) is deleted.

RO consider that this indicator must be maintained, because special transport vehicle for mobile equipment (CBRN trucks or mobile laboratory for drug detection) can also contribute to this specific objective.

Lines 506 - SO 1 Result Indicators

RO support CONS mandate (Number of ICT systems and networks made interoperable).

Lines 507 – SO 1 Result Indicators

No changes compared to CONS mandate, Provisionally agreed, RO has no comments.

Line 508 - SO 1 Result Indicators (training useful for their work / using the skills and competences acquired during the training)

RO consider that the indicator 3 and 4 can be mixed or redraft. The appreciation of a training as useful (indicator 3) also implies the use in the day-to-day activity of the skills and competences obtained during the training (indicator 4). Also, obtaining a report from every trainee after 3 months of the completion of the training could be difficult and administrative burden. RO is open to redraft this indicator, maybe having in mind that the duration of training (hours) is relevant in the context of measuring the impact of the funds.

Lines 527, 535, 536 SO 2 Output indicators (indicators - JIT, EU policy cycle operational actions)

Provisionally agreed, RO can support the modification from results indicators to outputs indicators.

Lines 527 SO 2 Output indicators

RO support CONS mandate (Number of expert meetings/workshops/study visits/common exercises/manuals of best practice/ contributions to manuals prepared by another Member State), because is more comprehensive.

Lines 529, 530 SO 2 Output Indicator (equipment items purchased, transport means purchased for cross-border operations)

Provisionally agreed, RO can support this addition (for cross-border operations).

Line 533 SO 2 Result Indicator (assets frozen)

No changes compared to CONS mandate, Provisionally agreed, RO has no comments. However, it should be noted that no program / project manager can assume (estimate) a target value, as it is obvious that operative / judicial decisions regarding frozen / seized do not take into account the implementation/eligibility period of a program / project.

Line 533 SO 2 Result Indicator 2 and 3

RO agrees with the indicators „quantity of illicit drugs seized” and „quantity of weapons seized”, but RO does not agree with the additional detailing in sub-indicators (types of drugs / type of weapons) indicators as it will make implementation and reporting more difficult. However, it should be noted that no program / project manager can assume (estimate) a target value, as it is obvious that operative / judicial decisions regarding frozen / seized do not take into account the implementation/eligibility period of a program / project.

Line 533 SO 2 Result Indicator 4 and 5 (wildlife, cultural goods)

RO is in favor of deletion of indicator 4 and 5.

Lines 534, 538, 539 – SO 2, Result Indicators 6, 7, 8

No changes compared to CONS mandate, Provisionally agreed, RO has no comments.

Lines 557 – 561 SO 3 Output Indicators 1 – 7

RO can agree with the proposed new indicators 2 (exchange programmes/workshops/study visits), but consider that regarding indicators 7 and 8 (prevent crime, assist victims of crime) is more appropriate to number of activities (like in CONS mandate), not number of projects.

Line 566 SO 3 Output Indicators

RO agrees with the indicator 8, but does not agree with the sub-indicators 8.1. and 8.2. considering that there may also be other categories of victims of crime assisted (such as victims of trafficking in human beings).

Lines 563, 561, 564 SO 3 Result Indicators 1-3

RO can agree with the proposed new indicators 2 (protect or support witnesses and whistle-blowers).

Line 566 SO 3 Result Indicators 4

RO support the deletion of this indicator.

Line 566 SO 3 Result Indicators 5-6

RO consider that the indicators 5 and 6 can be mixed because the appreciation of a training as useful (indicator 5) also implies the use in the day-to-day activity of the skills and competences obtained during the training (indicator 6). Also, obtaining a report from every trainee after 3 months of the completion of the training could be difficult and administrative burden.

SPAIN

First of all, I would like to transfer you a request from our JHA Management Authority: the last version of Annex VI indicators that they had till WK 11415/2020 INIT was from 12 October 2020, having noted differences in relation to SO2 result indicators 2 & 3.

12 October 2020 version	WK 11415/2020 INIT
Number 2: Quantity of illicit drug seized in the context of cross-border operations	Number 2: Quantity of illicit drugs seized in the context of cross-border operations by type of product "
Number 3: Number of administrative units that have newly put in place or upgraded existing mechanisms/procedures/ tools/guidance for cooperation with other Member States/EU agencies/international organisations/third countries	Number 3: Quantity of weapons seized in the context of cross-border operations by type of weapon

For this reason, in order to have the necessary feedbacks on these future indicators from the main beneficiaries National Management Authority would appreciate a wider timeframe for national consultations.

In relation to the WK 11415/2020 INIT, find below Kingdom of Spain position:

LINE	SPANISH COMMENTS
138	Spain could accept the CSL text provisionally agreed
139	Spain supports Council position on this matter.
SO 2 result indicators nº 2 & 3 (line 533)	Spain could accept these weapons and drugs categories.