



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0249(COD)**

Brussels, 09 November 2020

WK 12384/2020 INIT

LIMITE

**JAI
FRONT
VISA
SIRIS
CODEC
COMIX**

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.:	10151/18
Subject:	Regulation establishing the border management and visa instrument (BMVI) as part of the Integrated Border Management Fund

Delegations will find enclosed an updated 4CT after the political trilogue on 28 October 2020, on the above proposal.

Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa

Green highlight is provisionally agreed, Blue highlight is horizontal provision

T: issue to be discussed at technical level, P: issue to be discussed at political level, H: Horizontal issue.

2018/0249 (COD)

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
1.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
2.	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2)(d) thereof	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2)(d) thereof	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2)(d) thereof	
3.	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
4.	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
5.	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ² ,	Having regard to the opinion of the European Economic and Social Committee ³ ,	

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C , , p. .

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
6.	Having regard to the opinion of the Committee of the Regions ⁴ ,	Having regard to the opinion of the Committee of the Regions ⁵ ,	Having regard to the opinion of the Committee of the Regions ⁶ ,	
7.	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
8.	Whereas:		Whereas:	
9.	(1) In the context of evolving migratory challenges in the European Union, as well as security concerns, preserving the careful balance between free movement of persons on the one hand, and security on the other is of utmost importance. The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy.	(1) In the context of evolving migratory challenges in the European Union, as well as security concerns, preserving the careful balance between free movement of persons on the one hand, and security on the other is of utmost importance. The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the European Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy, while preserving the careful balance between free movement of persons	(1) In the context of evolving migratory challenges in the European Union, as well as security concerns, preserving the careful balance between free movement of persons on the one hand, and security on the other is of utmost importance. The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy.	

⁴ OJ C [...], [...], p. [...].

⁵ OJ C [...], [...], p. [...].

⁶ OJ C , , p. .

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>on the one hand and security on the other.</i> [Am. 1]		
10.	(2) Pursuant to Article 80 TFEU, these policies and their implementation should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.	(2) Pursuant to Article 80 TFEU, these policies and their implementation should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.	(2) Pursuant to Article 80 TFEU, these policies and their implementation should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.	
11.	(3) In the Rome Declaration signed on 25 September 2017, leaders of 27 Member States affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.	(3) In the Rome Declaration signed on 25 September 2017, leaders of 27 Member States affirmed their determination to ensure a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime. [Am. 2]	In the Rome Declaration signed on 25 September March 2017, leaders of 27 Member States affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
12.		<i>(3a) Actions funded under this Instrument should be implemented in full compliance with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the principle of fair treatment of third-country nationals, the right to asylum and international protection, the principle of non-refoulement and the international obligations of the Union and Member States arising from international instruments to which they are signatory such as the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967. Special attention should also be given to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors. [Am. 3]</i>		<i>Rapporteur proposal following political trilogue of 28/10 (to replace AM in line 416):</i> <i>Add at the end of EP amendment the following text:</i> <i>Innovative methods and new technologies with a potential for transferability to other Member States, in particular deploying the results of security research projects, should be fully in accordance with fundamental rights and the right to protection of personal data;</i>
13.	(4) The objective of the Union's policy in the field of external border management is to develop and implement European integrated border	(4) The objective of the Union's policy in the field of external border management is to develop and implement <i>the concept of</i> European integrated border management at	(4) The objective of the Union's policy in the field of external border management is to develop and implement European integrated border management at national and	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	management at national and Union level, which is a precondition for the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice.	national and Union level, <i>in order to facilitate legitimate border crossings, to prevent and detect irregular immigration and cross-border crime and to support the common visa policy</i> , which is a precondition for <i>should reinforce</i> the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. [Am. 4]	Union level, which is a precondition for the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice.	
14.	(5) European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council ⁷ , composed of the European Border and Coast Guard Agency and the national authorities responsible for border	(5) European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council ⁸ , composed of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry	(5) European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) .../2016/1624 .../2019 [EBCG] 2016/1624 of the European Parliament and of the Council ⁹ , composed of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they	

⁷ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

⁸ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

⁹ **Regulation (EU) .../2019 of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action No 98/700/JHA, Regulation (EU) No 1052/2013 of the European Parliament and of the Council and Regulation (EU) No 2016/1624 of the European Parliament and of the Council.**
Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	management, including coast guards to the extent that they carry out border control tasks, is necessary for improving migration management and security.	out border control tasks, is necessary <i>for should help to harmonise border control, thus</i> improving migration management - <i>including facilitating access to international protection for those in need of it - and providing increased and security by contributing to combatting cross-border crime and terrorism.</i> [Am. 5]	carry out border control tasks, is necessary for improving migration management and security.	
15.	(6) Facilitating legitimate travel, while preventing irregular migration and security risks, was identified as one the main objectives of the Union's response to the challenges in these areas in the Commission's Communication on <i>A European Agenda on Migration</i> ¹⁰ .	(6) Facilitating legitimate travel, while preventing irregular migration and security risks, was identified as one the main objectives of the Union's response to the challenges in these areas in the Commission's Communication on <i>A European Agenda on Migration</i> ¹¹ . [Am. 6]	(6) Facilitating legitimate travel, while preventing irregular migration and security risks, was identified as one the main objectives of the Union's response to the challenges in these areas in the Commission's Communication on <i>A European Agenda on Migration</i> ¹² .	
16.	(7) The European Council of 15 December 2016 ¹³ called for continued delivery on the interoperability of EU information systems and databases. The European	(7) The European Council of 15 December 2016¹⁶ called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017¹⁷ underlined	(7) The European Council of 15 December 2016 ¹⁹ called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017 ²⁰ underlined	

¹⁰ COM(2015) 240 final of 13 May 2015.

¹¹ COM(2015)0240 final of 13 May 2015.

¹² COM(2015) 240 final of 13 May 2015.

¹³ <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>

¹⁶ <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>

¹⁷ [European Council conclusions](http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/), 22-23 June 2017.

¹⁹ <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>

²⁰ [European Council conclusions](http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/), 22-23 June 2017.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Council of 23 June 2017 ¹⁴ underlined the need to improve interoperability between databases and on 12 December 2017 the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems ¹⁵ .	the need to improve interoperability between databases and on 12 December 2017 the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems¹⁸. [Am. 7	the need to improve interoperability between databases and on 12 December 2017 the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems ²¹ .	
17.	(8) To preserve the integrity of the Schengen area and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation.	(8) <i>In an attempt</i> to preserve the integrity of the Schengen area and to strengthen its functioning reinforce the security of Union's external borders , Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation, in addition to the systematic checks already being carried out on all third-country nationals entering the Schengen area. However, it has proven necessary to use targeted	(8) To preserve the integrity of the Schengen area and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation.	

¹⁴ [European Council conclusions](#), 22-23 June 2017.

¹⁵ COM(2017) 794 final.

~~¹⁸ COM(2017) 794 final.~~

²¹ COM(2017) 794 final.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>checks in place of systematic checks at a number of external border crossing points, on account of the disproportionate impact of systematic checks on the flow of cross-border traffic²². [Am. 8]</i>		
18.		<i>(8a) The Commission has also issued Recommendation (EU) 2017/1804²³ to Member States to make better use of police checks and cross-border cooperation in order to limit the impact on free movement and to remedy the threat to public policy or internal security. Despite different measures put in place, a number of Member States continue to maintain unlawful internal border control, undermining the basic principle of the Schengen Area. [Am. 9]</i>		
19.	(9) Financial support from the Union budget is indispensable to the implementation of European integrated border management to support Member States in managing the crossing of the external borders efficiently and	(9) Financial support from the Union budget is indispensable to <i>for</i> the implementation of European integrated border management to support Member States in managing the crossing of the external borders efficiently and in addressing migratory challenges and potential	(9) Financial support from the Union budget is indispensable to the implementation of European integrated border management to support Member States in managing the crossing of the external borders efficiently and in addressing migratory challenges and potential	

²² Commission statement on the management of flows of persons at the borders between Slovenia and Croatia of 29 April 2017.

²³ Commission Recommendation (EU) 2017/1804 of 3 October 2017 on the implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border control at internal borders in the Schengen area (OJ L 259, 7.10.2017, p. 25).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	in addressing migratory challenges and potential future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension while acting in full respect of fundamental rights.	future threats future challenges at those borders, thereby contributing to addressing serious crime with a cross-border dimension while acting in full respect of fundamental rights. [Am. 10]	future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension while acting in full respect of fundamental rights.	
20.	(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), inter-agency cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address illegal immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and	(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), inter-agency inter agency cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address illegal irregular immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided	(10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 3 4 of Regulation (EU) ... 2019 [EBCG] 2016/1624 : border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), inter-agency cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address illegal immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support.	with adequate Union financial support. [Am. 11]	provided with adequate Union financial support.	
21.			<i>(10a) The European Council of 18 October 2018 invited the European Parliament and the Council to examine, as a matter of priority, the recent Commission proposals on the Return Directive, the Asylum Agency and the European Border and Coast Guard, ensuring the most efficient use of resources and developing common minimum standards of external border surveillance, with due respect for the responsibility of the Member States. If such standards are developed, this instrument may provide the necessary support to Member States for their implementation.</i>	
22.	(11) As customs authorities of the Member States have been taking up an increasing number of responsibilities which often extend to the field of security and take place at the external border, ensuring uniformity in carrying out border control and customs control at the external	(11) As customs authorities of the Member States have been taking up an increasing number of responsibilities which often extend to the field of security and take place at the external border, ensuring uniformity it is important to foster inter agency cooperation, including information sharing through	(11) As customs authorities of the Member States have been taking up an increasing number of responsibilities which often extend to the field of security and take place at the external border, ensuring uniformity in carrying out border control and customs control at the external borders needs to be	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	borders needs to be addressed by providing adequate Union financial support to the Member States. This will not only strengthen customs controls but also facilitate legitimate trade, contributing to a secure and efficient customs union.	<i>existing information exchange tools, as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624. Complementarity</i> in carrying out border control and customs control at the external borders needs to be addressed ensured by providing adequate Union financial support to the Member States. This will not only strengthen customs controls <i>in order both to combat all forms of trafficking, not least goods trafficking at borders, and terrorism,</i> but will also facilitate legitimate trade, contributing and travel, and contribute to a secure and efficient customs union. [Am. 12]	addressed by providing adequate Union financial support to the Member States. This will not only strengthen customs controls but also facilitate legitimate trade, contributing to a secure and efficient customs union.	
23.	(12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council ²⁴ by setting up an	(12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council ²⁵ , in part , by setting up an Integrated Border	(12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council ²⁶ by setting up an	

²⁴ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

²⁵ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

²⁶ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Integrated Border Management Fund ('the Fund').	Management Fund ('the Fund'). [Am. 13]	Integrated Border Management Fund ('the Fund').	
24.	(13) Due to the legal particularities applicable to Title V of the TFEU and the different applicable legal bases regarding the policies on external borders and on customs control, it is not legally possible to establish the Fund as a single instrument.	(13) Due to the legal particularities applicable to Title V of the TFEU and the different applicable legal bases regarding the policies on external borders and on customs control, it is not legally possible to establish the Fund as a single instrument.	(13) Due to the legal particularities applicable to Title V of the TFEU and the different applicable legal bases regarding the policies on external borders and on customs control, it is not legally possible to establish the Fund as a single instrument.	
25.	(14) The Fund should therefore be established as a comprehensive framework for Union financial support in the field of border management and visa comprising the instrument for financial support for border management and visa ('the instrument') established by this Regulation as well as the instrument for financial support for customs control equipment established by Regulation (EU) No .../... ²⁷ of the European Parliament and of the Council. The framework should be complemented by Regulation (EU) No .../... [Common	(14) The Fund should therefore be established as a comprehensive framework for Union financial support in the field of border management and visa comprising the instrument for financial support for border management and visa ('the instrument') established by this Regulation as well as the an instrument for financial support for customs control equipment established by Regulation (EU) No .../... ²⁹ of the European Parliament and of the Council. The framework should be complemented by Regulation (EU) No .../... [Common Provisions Regulation] of the European Parliament and of the	(14) The Fund should therefore be established as a comprehensive framework for Union financial support in the field of border management and visa comprising the instrument for financial support for border management and visa ('the instrument') established by this Regulation as well as the instrument for financial support for customs control equipment established by Regulation (EU) No .../... ³¹ of the European Parliament and of the Council. The framework should be complemented by Regulation (EU) No .../... [Common Provisions Regulation] of the European	

²⁷ OJ L [...], [...], p.

²⁹ ~~OJ L [...], [...], p.~~

³¹ OJ L [...], [...], p.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Provisions Regulation] of the European Parliament and of the Council ²⁸ , to which this Regulation should refer as regards rules on shared management.	Council³⁰, to which this Regulation should refer as regards <i>an instrument laying down</i> rules on shared management. [Am. 14]	Parliament and of the Council ³² , to which this Regulation should refer as regards rules on shared management.	
26.	(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights.	(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights, <i>including as regards the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in particular by ensuring compliance with the principle of non-refoulement, the principle of transparency, the principle of non-discrimination and the right to seek international protection. Special attention should also be given to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors.</i> [Am. 15]	(15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights.	

²⁸ OJ L [...], [...], p.

³⁰ ~~OJ L [...], [...], p.~~

³² OJ L [...], [...], p.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
27.		<i>(15a) Those obligations apply equally to third countries with which the Member States and the Union work under this instrument.</i> [Am. 16]		
28.	(16) The instrument should build on the results and investments achieved with the support of its predecessors: the External Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council ³³ and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014 ³⁴ , and should extend it to take into account new developments.	(16) The instrument should build on the results and investments achieved with the support of its predecessors: the External Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council ³⁵ and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014 ³⁶ , and should extend it to take into account new developments. [Am. 17	(16) The instrument should build on the results and investments achieved with the support of its predecessors: the External Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council ³⁷ and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014 ³⁸ , and should extend it to take into account new developments.	

³³ OJ L 144, 6.6.2007, p. 22.

³⁴ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

³⁵ OJ L 144, 6.6.2007, p. 22.

³⁶ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

³⁷ OJ L 144, 6.6.2007, p. 22.

³⁸ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
29.	(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, burden-sharing, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as third countries and other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), Europol and international organisations.	(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, burden-sharing burden sharing , assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as third countries and other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), Europol and, where appropriate, third countries and international organisations. [Am. 18]	(17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, burden-sharing, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as third countries and other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), Europol and international organisations.	
30.	(18) The instrument should contribute to the improvement of the efficiency of visa processing	(18) The instrument should contribute to the improvement of the efficiency of visa processing in terms	(18) The instrument should contribute to the improvement of the efficiency of visa processing in terms	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	in terms of detecting and assessing security and irregular migration risks, as well as facilitating visa procedures for <i>bona fide</i> travellers. In particular, the instrument should deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The instrument should also serve to ensure wide consular coverage across the world. The uniform implementation of the common visa policy and its modernisation should also be covered by the instrument.	of <i>facilitating visa procedures for bona fide travellers</i> and of detecting and assessing security and irregular migration risks, as well as facilitating visa procedures for bona fide travellers . In particular, the instrument should deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The instrument should also serve to ensure wide consular coverage across the world. The uniform implementation of the common visa policy and its modernisation should also be covered by the instrument, <i>as should assistance to Member States for the issuance of visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and for compliance, in full, with the Union acquis on visas.</i> [Am. 19]	of detecting and assessing security and irregular migration risks, as well as facilitating visa procedures for <i>bona fide</i> travellers. In particular, the instrument should deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The instrument should also serve to ensure wide consular coverage across the world. The uniform implementation <i>and the modernisation</i> of the common visa policy <i>as well as the measures stemming from the VIS Regulation</i> and its modernisation should also be covered by the instrument.	
31.	(19) The instrument should support measures in the territory of the Schengen countries that	(19) The instrument should support measures <i>clearly linked to external border control</i> in the	(19) The instrument should support measures in the territory of the Schengen countries that are	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	are linked to border control as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area.	territory of the Schengen countries that are linked to border control as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area. [Am. 20]	linked to border control as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area.	
32.	(20) With a view to improving the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of large-scale IT systems, based on existing or new IT systems. It should also support the setting-up of interoperability between those EU information systems (Entry-exit system (EES) ³⁹ , the Visa Information	(20) With a view to improving the management of the external borders, to contribute to preventing facilitating legitimate travel, to contributing to the prevention of and combating irregular migration-border crossing and to contribute contributing to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of those large-scale IT systems, based on existing or new IT systems that have been agreed upon by the European Parliament and the Council. In that regard, it should also support the setting-up of	(20) With a view to improving the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of large-scale IT systems, based on existing or new IT systems. It should also support the setting-up of interoperability between those EU information systems (Entry-exit system (EES) ⁵³ , the Visa Information System (VIS) ⁵⁴ , the European Travel Information and Authorisation System (ETIAS) ⁵⁵ ,	

³⁹ Regulation (EU) 2017/2226 of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

⁵³ Regulation (EU) 2017/2226 of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

⁵⁴ Regulation (EC) No 767/2008/EC of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁵⁵ COM(2016) 731 final of 16 November 2016.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	System (VIS) ⁴⁰ , the European Travel Information and Authorisation System (ETIAS) ⁴¹ , Eurodac ⁴² , the Schengen Information System (SIS) ⁴³ and the European Criminal Records Information System for third-country nationals (ECRIS-TCN)) ⁴⁴ in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the	interoperability between those EU information systems (Entry-exit system (EES) ⁴⁶ , the Visa Information System (VIS) ⁴⁷ , the European Travel Information and Authorisation System (ETIAS) ⁴⁸ , Eurodac ⁴⁹ , the Schengen Information System (SIS) ⁵⁰ and the European Criminal Records Information System for third-country nationals (ECRIS-TCN)) ⁵¹ in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the	Eurodac ⁵⁶ , the Schengen Information System (SIS) ⁵⁷ and the European Criminal Records Information System for third-country nationals (ECRIS-TCN)) ⁵⁸ in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common	

⁴⁰ Regulation (EC) No 767/2008/EC of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁴¹ COM(2016) 731 final of 16 November 2016.

⁴² COM(2016) 272 final/2 of 4 May 2016.

⁴³ COM(2016) 881 final, 882 final and 883 final of 21 December 2016.

⁴⁴ COM(2017) 344 final of 29 June 2017.

⁴⁶ Regulation (EU) 2017/2226 of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

⁴⁷ Regulation (EC) No 767/2008/EC of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁴⁸ COM(2016)0731 final of 16 November 2016.

⁴⁹ COM(2016)0272 final/2 of 4 May 2016.

⁵⁰ COM(2016)0881 final, 882 final and 883 final of 21 December 2016.

⁵¹ COM(2017)0344 final of 29 June 2017.

⁵⁶ COM(2016) 272 final/2 of 4 May 2016.

⁵⁷ COM(2016) 881 final, 882 final and 883 final of 21 December 2016.

⁵⁸ COM(2017) 344 final of 29 June 2017.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID)) ⁴⁵ .	interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID)) ⁵² . [Am. 21]	identity repository (CIR) and a multiple-identity detector (MID)) ⁵⁹ .	
33.	(21) The instrument should complement and reinforce the activities to implement European integrated border management in line with shared responsibility and solidarity between the Member States and the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their programmes, Member States should take into account the analytical tools and operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of	(21) The instrument should complement and reinforce the activities to implement implementing European integrated border management in line with shared responsibility and solidarity between the Member States and the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their <i>national</i> programmes, Member States should take into account the analytical tools and , operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of border guards, including its components with regard to	(21) The instrument should complement and reinforce the activities to implement European integrated border management in line with shared responsibility and solidarity between the Member States and the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their programmes, Member States should take into account the analytical tools and operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of border guards, including its components with regard to fundamental rights and access to	

⁴⁵ COM(2017) 794 final of 12 December 2017.

⁵² COM(2017)0794 final of 12 December 2017.

⁵⁹ COM(2017) 794 final of 12 December 2017.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	border guards, including its components with regard to fundamental rights and access to international protection. In order to develop complementarity between its mission and the responsibilities of the Member States for the control of the external borders as well as to ensure consistency and to avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency on the draft national programmes submitted by the Member States in as far as it falls within the Agency's competencies, in particular on the activities financed under operating support.	fundamental rights and access to international protection. In order to develop complementarity between its mission tasks and the responsibilities of the Member States for the control of the external borders as well as, and to ensure consistency and to avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency on the draft national programmes submitted by the Member States in as far as it falls they fall within the Agency's competencies, in particular on the activities financed under operating support. The Commission should also ensure that eu-LISA, the European Union Agency for Fundamental Rights and any other relevant Union agency or body, are associated with the process of developing Member States' national programmes at an early stage, in so far as it falls within the agencies' competencies. [Am. 22]	international protection. In order to develop complementarity between its mission and the responsibilities of the Member States for the control of the external borders as well as to ensure consistency and to avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency and eu-LISA, where appropriate, on the draft national programmes submitted by the Member States in as far as it falls within the Agencies' competencies, in a timely manner that does not lead to a delay in the approval and implementation of the national programmes, in particular on the activities financed under operating support.	
34.	(22) The instrument should support the implementation of the hotspot approach as outlined in the Commission's Communication on <i>A European Agenda on Migration</i> and endorsed by the European	(22) In so far as the affected Member States so request, the instrument should support the implementation of the hotspot approach as outlined in the Commission's Communication on <i>A European Agenda on Migration</i> and	(22) The instrument should support the implementation of the hotspot approach as outlined in the Commission's Communication on <i>A European Agenda on Migration</i> and endorsed by the European Council of	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Council of 25 and 26 June 2015 ⁶⁰ . The hotspot approach provides operational support to Member States affected by disproportionate migratory pressure at the Union's external borders. It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and shared responsibility as well as with a view to safeguarding the integrity of the Schengen area.	endorsed by the European Council of 25 and 26 June 2015 ⁶¹ . The hotspot approach provides operational support to Member States affected by disproportionate migratory pressure at the Union's external borders with an emergency situation . It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and shared responsibility, allowing the arrival of large numbers of persons at the Union's external borders to be handled humanely and efficiently , as well as with a view to safeguarding the integrity of the Schengen area. [Am. 23]	25 and 26 June 2015 ⁶² . The hotspot approach provides operational support to Member States affected by disproportionate migratory pressure at the Union's external borders. It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and shared responsibility as well as with a view to safeguarding the integrity of the Schengen area.	
35.	(23) In the interest of solidarity in the Schengen area as a whole and in the spirit of shared responsibility for the protection of the Union's external borders, where weaknesses or risks are identified, in particular following a Schengen evaluation in accordance with Council Regulation (EU) No	(23) In the interest of solidarity in the Schengen area as a whole and throughout the Union and in the spirit of shared responsibility for the protection of the Union's external borders, where weaknesses or risks are identified, in particular following a Schengen evaluation in accordance with Council Regulation (EU) No	(23) In the interest of solidarity in the Schengen area as a whole and in the spirit of shared responsibility for the protection of the Union's external borders, where weaknesses or risks are identified, in particular following a Schengen evaluation in accordance with Council Regulation (EU) No 1053/2013 ⁶⁵ , the Member State concerned should adequately address the matter by using resources under	

⁶⁰ EUCO 22/15 CO EUR 8 CONCL 3.

⁶¹ ~~EUCO 22/15 CO EUR 8 CONCL 3.~~

⁶² EUCO 22/15 CO EUR 8 CONCL 3.

⁶⁵ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* (OJ L 295, 6.11.2013, p. 27).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	1053/2013 ⁶³ , the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to that Regulation and in line with vulnerability assessments carried out by the European Border and Coast Guard Agency in accordance with Article 13 of Regulation (EU) 2016/1624.	1053/2013 ⁶⁴ , the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to that Regulation and in line with vulnerability assessments carried out by the European Border and Coast Guard Agency in accordance with Article 13 of Regulation (EU) 2016/1624. [Am. 24]	its programme to implement recommendations adopted pursuant to that Regulation and in line with vulnerability assessments carried out by the European Border and Coast Guard Agency in accordance with Article 33 43 of Regulation (EU) .../2019 [EBCG] 2016/1624.	
36.	(24) The instrument should express solidarity and shared responsibility through financial assistance for those Member States that fully apply the Schengen provisions on external borders and visas as well as those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union's common policy for the management of the external borders.	(24) The instrument should express solidarity and shared responsibility through provide financial assistance for to those Member States that fully apply the Schengen provisions on external borders and visas as well as and to those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union's common policy for the management of the external borders. [Am. 25]	(24) The instrument should express solidarity and shared responsibility through financial assistance for those Member States that fully apply the Schengen provisions on external borders and visas as well as those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union's common policy for the management of the external borders.	

⁶³ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* (OJ L 295, 6.11.2013, p. 27).

⁶⁴ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* (OJ L 295, 6.11.2013, p. 27).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
37.	(25) In accordance with Protocol No 5 to the 2003 Act of Accession ⁶⁶ on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the instrument should bear any additional cost incurred in implementing the specific provisions of the Union <i>acquis</i> covering such transit, namely Council Regulation (EC) No 693/2003 ⁶⁷ and Council Regulation (EC) No 694/2003 ⁶⁸ . The need for continued financial support for foregone fees, however, should be dependent upon the visa regime of the	(25) In accordance with Protocol No 5 to the 2003 Act of Accession ⁶⁹ on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the instrument should bear any additional cost incurred in implementing the specific provisions of the Union <i>acquis</i> covering such transit, namely Council Regulation (EC) No 693/2003 ⁷⁰ and Council Regulation (EC) No 694/2003 ⁷¹ . The need for continued financial support for foregone fees, however, should be dependent upon the visa regime of the Union in force with the Russian Federation.	(25) In accordance with Protocol No 5 to the 2003 Act of Accession ⁷² on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the instrument should bear any additional cost incurred in implementing the specific provisions of the Union <i>acquis</i> covering such transit, namely Council Regulation (EC) No 693/2003 ⁷³ and Council Regulation (EC) No 694/2003 ⁷⁴ . The need for continued financial support for foregone fees, however, should be dependent upon the visa regime of the Union in force with the Russian Federation.	

⁶⁶ OJ L 236, 23.9.2003, p. 946.

⁶⁷ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

⁶⁸ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

⁶⁹ OJ L 236, 23.9.2003, p. 946.

⁷⁰ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

⁷¹ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

⁷² OJ L 236, 23.9.2003, p. 946.

⁷³ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

⁷⁴ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Union in force with the Russian Federation.			
38.	(26) To contribute to the achievement of the policy objective of the instrument, Member States should ensure that their programmes address the specific objectives of the instrument, that the priorities chosen are in line with the agreed EU priorities and the implementing measures as set out in Annex II and that the allocation of resources between objectives and actions is proportionate to the challenges and needs they are faced with.	(26) To contribute to the achievement of the policy objective of the instrument, Member States should ensure that their programmes address the specific objectives of the instrument, that the priorities chosen are in line with the agreed EU priorities and the implementing measures as set out in Annex II and that the allocation of <i>appropriate</i> resources between objectives and actions is proportionate to the challenges and needs they are faced with. <i>In that regard, it is important to achieve a fair and transparent distribution of resources among the specific objectives of the instrument. Accordingly, it is appropriate to ensure a minimum level of expenditure for the specific objective of supporting the common visa policy whether for measures under direct or indirect management, or for measures under shared management.</i> [Am. 26]	(26) To contribute to the achievement of the policy objective of the instrument, Member States should ensure that their programmes address the specific objectives of the instrument, that the priorities chosen are in line with the agreed EU priorities and the implementing measures as set out in Annex II and that the allocation of resources between objectives and actions is proportionate to the challenges and needs they are faced with.	
39.	(27) Synergies, consistency and efficiency should be sought with other EU Funds and overlap between the actions should be avoided.	(27) Synergies, consistency and efficiency should be sought with other EU Funds and overlap between the actions should be avoided.	(27) Synergies, consistency and efficiency should be sought with other EU Funds and overlap between the actions should be avoided.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
40.	(28) Return of third-country nationals who are the subject of return decisions issued by a Member State is one of the components of European integrated border management as outlined in Regulation (EU) 2016/1624. However, due to its nature and objective, measures in the field of return fall outside the scope of support of the instrument and are covered by Regulation (EU) No .../... [new AMF] ⁷⁵ .	(28) Return of third-country nationals who are the subject of return decisions issued by a Member State is one of the components of European integrated border management as outlined in Regulation (EU) 2016/1624. However, due to its nature and objective, measures in the field of return fall outside the scope of support of the instrument and are covered by Regulation (EU) No .../... [new AMF] ⁷⁶ .	(28) Return of third-country nationals who are the subject of return decisions issued by a Member State is one of the components of European integrated border management as outlined in Regulation (EU) .../2019 [EBCG] 2016/1624. However, due to its nature and objective, measures in the field of return fall outside the scope of support of the instrument and are covered by Regulation (EU) No .../... [new AMF] ⁷⁷ .	
41.	(29) To acknowledge the important role of the Member States' customs authorities at the external borders and to ensure that they have at their disposal sufficient means to implement their broad scope of tasks at these borders, the instrument for financial support for customs control equipment established by Regulation (EU) No .../... [new Customs Control Equipment Fund] of the European Parliament and of the Council should provide these	(29) To acknowledge the important role of the Member States' customs authorities at the external borders and to ensure that they have at their disposal sufficient means to implement their broad scope of tasks at these borders, the instrument for financial support for customs control equipment established by Regulation (EU) No .../... [new Customs Control Equipment Fund] of the European Parliament and of the Council should provide these national authorities with the necessary funding to invest in equipment to	(29) To acknowledge the important role of the Member States' customs authorities at the external borders and to ensure that they have at their disposal sufficient means to implement their broad scope of tasks at these borders, the instrument for financial support for customs control equipment established by Regulation (EU) No .../... [new Customs Control Equipment Fund] of the European Parliament and of the Council should provide these national authorities with the necessary funding to invest in equipment to	

⁷⁵ OJ L [...], [...], p.

⁷⁶ OJ L [...], [...], p.

⁷⁷ OJ L [...], [...], p.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	national authorities with the necessary funding to invest in equipment to carry out customs control as well as equipment that can in addition to customs control serve other purposes such as border control.	carry out customs control as well as equipment that can in addition to customs control serve other purposes such as border control.	carry out customs control as well as equipment that can in addition to customs control serve other purposes such as border control.	
42.	(30) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by this Regulation will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for customs control equipment will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional	(30) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by this Regulation will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for customs control equipment will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional purposes such as border controls and security. This distribution of roles will foster inter-agency cooperation as a component	(30) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by this Regulation will <i>financially support</i> exclude equipment <i>of which the primary purpose is integrated border management, but will also allow its use for additional purposes such as</i> that can be used for both border management and customs control. On the other hand, the instrument for customs control equipment <i>established by Regulation [2019/XXX]</i> will <i>financially</i> not only support financially equipment with	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	purposes such as border controls and security. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.	of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.	customs controls as the main purpose, but will also allow its use as well for additional purposes such as border controls and security. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 3(e) 4(e) of Regulation (EU) .../2019 [EBCG] 2016/1624, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment. <i>The act of co-sharing and interoperability between customs and border authorities should be defined as being non systematic.</i>	
43.	(31) Border surveillance at sea is considered one of the coastguard functions performed in the Union maritime domain. National authorities carrying out coast guard functions are also responsible for a wide range of tasks, which may include, but would not be limited to, maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection.	(31) Border surveillance at sea is considered one of the coastguard functions performed in the Union maritime domain. National authorities carrying out coast guard functions are also responsible for a wide range of tasks, which may include, but would not be limited to, maritime safety, security , search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The broad scope of coastguard functions brings them	(31) Border surveillance at sea is considered one of the coastguard functions performed in the Union maritime domain. National authorities carrying out coast guard functions are also responsible for a wide range of tasks, which may include, but would not be limited to, maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The broad scope of coastguard functions brings them	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	The broad scope of coastguard functions brings them under the remit of different Union policies which should seek synergies to achieve more effective and efficient results.	under the remit of different Union policies which should seek synergies to achieve more effective and efficient results. [Am. 27]	under the remit of different Union policies which should seek synergies to achieve more effective and efficient results.	
44.		<i>(31a) When implementing actions funded under the instrument which are related to maritime border surveillance, Member States should pay special attention to their obligations under international maritime law to render assistance to persons in distress. In that regard, equipment and systems supported under the instrument should be used to address search and rescue situations which may arise during a border surveillance operation at sea, thereby contributing to ensuring the protection and saving the lives of migrants. [Am. 28]</i>		
45.	(32) In addition to the Union cooperation on coastguard functions among the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624, the European Maritime Safety Agency established by Regulation (EC) 1406/2002 of the European	(32) In addition to the Union cooperation on coastguard functions among the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624, the European Maritime Safety Agency established by Regulation (EC) 1406/2002 of the European	(32) In addition to the Union cooperation on coastguard functions among the European Border and Coast Guard Agency established by Regulation (EU) .../2019 [EBCG] 2016/1624, the European Maritime Safety Agency established by Regulation (EC) 1406/2002 of the European Parliament and of the	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Parliament and of the Council ⁷⁸ and the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005 ⁷⁹ , improved coherence of the activities in the maritime domain should also be achieved at national level. Synergies between the various actors in the maritime environment should be in line with European integrated border management and maritime security strategies.	Parliament and of the Council ⁸⁰ and the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005 ⁸¹ , improved coherence of the activities in the maritime domain should also be achieved at national level. Synergies between the various actors in the maritime environment should be in line with European integrated border management and maritime security strategies.	Council ⁸² and the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005 ⁸³ , improved coherence of the activities in the maritime domain should also be achieved at national level. Synergies between the various actors in the maritime environment should be in line with European integrated border management and maritime security strategies.	
46.	(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where	(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where the main objective is border surveillance but other objectives <i>linked to it</i> could	(33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character, <i>including land, aerial and maritime means</i> , where the <i>primary purpose</i> main	

⁷⁸ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

⁷⁹ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

⁸⁰ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

⁸¹ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

⁸² Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

⁸³ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the main objective is border surveillance but other objectives could additionally be pursued simultaneously.	additionally be pursued simultaneously, <i>such as combating trafficking in human beings.</i> [Am. 29]	objective is <i>European integrated border management</i> border surveillance but other objective could additionally be pursued simultaneously.	
47.			<i>(33a) In an effort to strengthen complementarities between the Border Management and Visa Instrument, the Internal Security Fund and the Asylum, Migration and Integration Fund, the instrument established by this Regulation should be able to finance multipurpose equipment and ICT systems of which the primary purpose is in accordance with this Regulation but which also contribute to the achievement of the objectives of the Internal Security Fund established by Regulation (EU) No ... and the Asylum, Migration and Integration Fund established by Regulation (EU) No ...</i>	
48.	(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported	(34) <i>The primary purpose of this instrument should be to support integrated border management at the Union's external borders and to support the common visa policy. However, within defined limits and subject to the appropriate safeguards, certain</i> measures in and	(34) Measures in and in relation to third countries supported through the instrument should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives.	in relation to third countries <i>could be</i> supported through the instrument. <i>Those measures</i> should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives. [Am. 30]	particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives. <i>In that context, a significant part of the funding from the thematic facility should be used to support actions in or in relation to third countries. In its conclusions of 28 June 2018, the European Council underlined the need for flexible instruments, allowing for fast disbursement, to combat illegal migration.</i>	
49.		<i>(34a) The Commission should pay particular attention to the evaluation of actions and programmes related to third countries.</i> [Am. 31]		
50.	(35) Funding from the Union budget should concentrate on activities where Union	(35) Funding from the Union budget should concentrate on activities where Union intervention	(35) Funding from the Union budget should concentrate on activities where Union intervention	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	intervention can bring added value as compared to actions by Member States alone. As the Union is in a better position than Member States to provide a framework for expressing Union solidarity in border control, common visa policy and the management of migration flows, and to provide a platform for the development of common IT systems underpinning those policies, financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in those areas.	can bring added value as compared to actions by Member States alone. As the Union is in a better position than Member States to provide a framework for expressing Union solidarity in border control, management and common visa policy and the management of migration flows, and to provide a platform for the development of common IT systems underpinning those policies, financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in those areas. [Am. 32]	can bring added value as compared to actions by Member States alone. As the Union is in a better position than Member States to provide a framework for expressing Union solidarity in border control, common visa policy and the management of migration flows, and to provide a platform for the development of common IT systems underpinning those policies, financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in those areas.	
51.	(36) A Member State may be deemed not to be compliant with the relevant Union <i>acquis</i> , including as regards the use of operating support under this instrument, if it has failed to fulfil its obligations under the Treaties in the areas of border management and visa, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the <i>acquis</i> on border management and visa or if an evaluation report under the	(36) A Member State may be deemed not to be compliant with the relevant Union <i>acquis</i> , including as regards the use of operating support under this instrument, if it has failed to fulfil its obligations under the Treaties in the areas of border management and visa, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the <i>acquis</i> on border management and visa or, if an evaluation report under the Schengen evaluation and monitoring mechanism has identified	(36) A Member State may be deemed not to be compliant with the relevant Union <i>acquis</i> , including as regards the use of operating support under this instrument, if it has failed to fulfil its obligations under the Treaties in the areas of border management and visa, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the <i>acquis</i> on border management and visa or if an evaluation report under the Schengen evaluation and monitoring	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Schengen evaluation and monitoring mechanism has identified deficiencies in the relevant area.	deficiencies in the relevant area, <i>or if, when cooperating with a third country, the Member State has financed and taken joint actions with that third country which have resulted in breaches of fundamental rights reported by the evaluation and monitoring mechanism.</i> [Am. 33]	mechanism has identified deficiencies in the relevant area.	
52.	(37) The instrument should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation.	(37) The instrument should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. <i>It should balance the need for predictability in the distribution of funding with the need for its increased flexibility and simplicity. In order to meet the requirements in terms of transparency of funding, the Commission, with the cooperation of the Member States, should publish information on the development of the annual and multiannual programmes under the thematic facility. The implementation of the instrument should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of</i>	(37) The instrument should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>the instrument should be as user-friendly as possible. [Am. 34]</i>		
53.	(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the threat levels at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates.	(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the threat impact levels based on recent and historical data at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates. [Am. 35]	(38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the threat levels at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates. <i>In view of the special needs of those Member States who have experienced the highest number of asylum applications per capita in 2018 and 2019, it is appropriate to increase the fixed amounts for Cyprus, Malta and Greece.</i>	
54.	(39) These initial amounts will form a basis for Member States' long term investments. To take account of changes in the baseline situation, such as the pressure on the Union external border and the workload at the external borders and at consulates, an additional amount will be allocated to the Member States at mid-term and will be based on the latest available statistical data as set out in the distribution key taking	(39) These initial amounts will form a basis for Member States' long term investments. To take account of changes in the baseline situation, such as the pressure on the Union external border and the workload at the external borders and at consulates, an additional amount will be allocated to the Member States at mid-term and will be based on the latest available statistical data as set out in the distribution key taking into account the state of programme implementation.	(39) These initial amounts will form a basis for Member States' long term investments. To take account of changes in the baseline situation, such as the pressure on the Union external border and the workload at the external borders and at consulates, an additional amount will be allocated to the Member States at mid-term and will be based on the latest available statistical data as set out in the distribution key taking into account the state of programme implementation.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	into account the state of programme implementation.			
55.		<i>(39a) The mid-term review should be used to assess the effectiveness and Union added value of programmes, resolve problems that appeared during the first phase, and provide a transparent overview of the implementation. [Am. 36]</i>		
56.	(40) As challenges in the area of border management and visas are constantly evolving there is a need to adapt the allocation of funding to the changes in migration flows, pressure at the border and security threats and steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance, via a thematic facility.	(40) As challenges in the area of border management and visas are constantly evolving there is a need to adapt the allocation of funding to the changes in migration flows <i>priorities for visa policy and border management, including as a result of increased</i> pressure at the border and security threats , and <i>to</i> steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance, via a thematic facility. [Am. 37]	(40) As challenges in the area of border management and visas are constantly evolving there is a need to adapt the allocation of funding to the changes in migration flows, pressure at the border and security threats and steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance, via a thematic facility. <i>The financial envelope allocated to the thematic facility will also serve to reinforce programmes.</i>	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
57.	(41) Member States should be encouraged to use part of their programme allocation to fund the actions listed in Annex IV by benefiting from a higher Union contribution.	(41) Member States should be encouraged to use part of their programme allocation to fund the actions listed in Annex IV by benefiting from a higher Union contribution.	(41) Member States should be encouraged to use part of their programme allocation to fund the actions listed in Annex IV by benefiting from a higher Union contribution.	
58.	(42) The instrument should contribute to supporting operating costs related to border management, common visa policy and large-scale IT systems and should thereby enable Member States to maintain capabilities which are crucial for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives of the instrument and should form an integral part of the Member States' programmes.	(42) The instrument should, <i>within defined limits</i> , contribute to supporting operating costs related to border management, common visa policy and large-scale IT systems and should thereby enable Member States to maintain capabilities which are crucial for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives of the instrument and should form an integral part of the Member States' programmes. [Am. 38]	(42) The instrument should contribute to supporting operating costs related to border management, common visa policy and large-scale IT systems and should thereby enable Member States to maintain capabilities which are crucial for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives of the instrument and should form an integral part of the Member States' programmes.	
59.	(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions	(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions <i>with a Union added value</i> which require cooperative effort <i>among Member States</i> or actions necessary to address	(43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union which	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	necessary to address developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.	developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up setting up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes <i>which should be adopted by delegated act.</i> [Am. 39	require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of new large-scale IT systems and the setting-up of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes.	
60.	(44) To complement the implementation of the policy objective of this instrument at national level through Member States' programmes, the instrument should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the instrument relating to policy analysis and innovation, transnational mutual learning	(44) To complement the implementation of the policy objective of this instrument at national level through Member States' programmes, the instrument should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the instrument relating to policy analysis and innovation, transnational mutual learning and partnerships and the	(44) To complement the implementation of the policy objective of this instrument at national level through Member States' programmes, the instrument should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the instrument relating to policy analysis and innovation, transnational mutual learning and partnerships and the	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	and partnerships and the testing of new initiatives and actions across the Union.	testing of new initiatives and actions across the Union.	testing of new initiatives and actions across the Union.	
61.	(45) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate migratory pressure, in particular at those border sections where the impact level has been identified in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council ⁸⁴ as such that it jeopardises the functioning of the Schengen area as a whole, as well as pressure on the visa sections of Member States' consulates or risks to border security, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.	(45) In order to strengthen the Union's capacity to immediately address <i>immediately</i> unforeseen or disproportionate migratory pressure, <i>urgent and specific needs in the event of an emergency situation,</i> in particular at those border sections where the impact level has been identified in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council ⁸⁵ as such that it jeopardises the functioning of the Schengen area as a whole, as well as pressure on the visa sections of Member States' consulates or risks to border security, it should be possible to <i>this instrument should exceptionally</i> provide emergency <i>financial</i> assistance <i>as a measure of last resort</i> in accordance with the framework set out in this Regulation. [Am. 40]	(45) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate migratory pressure, in particular at those border sections where the impact level has been identified in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council ⁸⁶ as such that it jeopardises the functioning of the Schengen area as a whole, as well as pressure on the visa sections of Member States' consulates or risks to border security, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.	

⁸⁴ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosir) (OJ L 295, 6.11.2013, p. 11).

⁸⁵ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosir) (OJ L 295, 6.11.2013, p. 11).

⁸⁶ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosir) (OJ L 295, 6.11.2013, p. 11).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
62.		<i>(45a) Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security and should not, per se, trigger emergency assistance under this instrument. [Am. 41]</i>		
63.	(46) The policy objective of this instrument will be also addressed through financial instruments and budgetary guarantee under the policy window(s) [...] of the InvestEU Fund. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear European added value.	(46) The policy objective of this instrument will be also addressed through financial instruments and budgetary guarantee under the policy window(s) [...] of the InvestEU Fund. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear European added value. [Am. 42]	(46) The policy objective of this instrument will be also addressed through financial instruments and budgetary guarantee under the policy window(s) [...] of the InvestEU Fund. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear European added value.	
64.			<i>(46a) Blending operations have a voluntary nature and are operations supported by the Union budget combining repayable and/or non-repayable forms of support from the Union budget with repayable forms of support from promotional/</i>	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>development or other public finance institutions, as well as from commercial finance institutions and investors.</i>	
65.	(47) This Regulation lays down a financial envelope for the entire instrument which is to constitute the prime reference amount, within the meaning of [point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management] ⁸⁷ , for the European Parliament and the Council during the annual budgetary procedure.	(47) This Regulation lays down a financial envelope for the entire instrument which is to constitute the prime reference amount, within the meaning of [point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management] ⁸⁸ , for the European Parliament and the Council during the annual budgetary procedure.	(47) This Regulation lays down a financial envelope for the entire instrument which is to constitute the prime reference amount, within the meaning of [point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management] ⁸⁹ , for the European Parliament and the Council during the annual budgetary procedure.	
66.	(48) Regulation (EU, Euratom) No .../... [new Financial Regulation] ('Financial Regulation') ⁹⁰ applies to this instrument. It lays down rules on the implementation of the Union budget, including the rules on	(48) Regulation (EU, Euratom) No .../... [new Financial Regulation] ('Financial Regulation') ⁹¹ applies to this instrument. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect	(48) Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council Regulation (EU, Euratom) No .../... [new Financial Regulation]	

⁸⁷ OJ C [...], [...], p. [...].

⁸⁸ OJ C [...], [...], p. [...].

⁸⁹ OJ C , , p. .

⁹⁰ OJ C [...], [...], p. [...].

⁹¹ OJ C [...], [...], p. [...].

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees. In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation is to apply to the actions to be implemented in direct or indirect management under the instrument.	implementation, financial assistance, financial instruments and budgetary guarantees. In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation is to apply to the actions to be implemented in direct or indirect management under the instrument.	(Financial Regulation) ⁹² applies to this instrument. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect management, implementation, financial assistance, financial instruments, and budgetary guarantees, financial assistance and the reimbursement of external experts . In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation is to apply to the actions to be implemented in direct or indirect management under the instrument.	
67.	(49) For the purpose of implementation of actions under shared management, the instrument should form part of a coherent framework consisting of this Regulation, the Financial Regulation and Regulation (EU) No .../... [CPR].	(49) For the purpose of implementation of actions under shared management, the instrument should form part of a coherent framework consisting of this Regulation, the Financial Regulation and an instrument laying down common provisions for shared management. In the event of conflicting provisions, this Regulation (EU) No .../... [CPR]	(49) For the purpose of implementation of actions under shared management, the instrument should form part of a coherent framework consisting of this Regulation, Regulation (EU, Euratom) No 2018/1046 the Financial Regulation and Regulation (EU) No .../... [CPR].	

⁹² **Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1**

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>should take precedence over the common provisions.</i> [Am. 43]		
68.	(50) Regulation (EU) No .../... [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum and Migration Fund (AMF), the Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the instrument for border management and visa in this Regulation, and to lay down specific provisions concerning activities that may be financed through this instrument.	(50) Regulation (EU) No .../... [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum and Migration Fund (AMF), the Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the instrument for border management and visa in this Regulation, and to lay down specific provisions concerning activities that may be financed through this instrument.	(50) Regulation (EU) No .../... [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum and Migration and Integration Fund (AMIF), the Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the instrument for border management and visa in this Regulation, and to lay down specific provisions concerning activities that may be financed through this instrument.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
68a.			<i>(50a) A pre-financing scheme for the instrument is set out in Article 84 of Regulation EU.../....[CPR] with a specific pre-financing rate set out in this Regulation. In addition, in order to ensure a prompt reaction to an emergency situation, it is appropriate to set up a specific pre-financing rate for emergency assistance. The pre-financing scheme should ensure that a Member State has the means to provide support to beneficiaries from the start of the implementation of the programme.</i>	
69.	(51) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article	(51) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.	(51) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	125(1) of the Financial Regulation.			
70.	(52) In accordance with Regulation (EU) No .../... [new Financial Regulation] ⁹³ , Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁹⁴ , Council Regulation (Euratom, EC) No 2988/95 ⁹⁵ , Council Regulation (Euratom, EC) No 2185/96 ⁹⁶ and Council	(52) In accordance with Regulation (EU) No .../... [new Financial Regulation]⁹⁹ ; Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ¹⁰⁰ , Council Regulation (Euratom, EC) No 2988/95 ¹⁰¹ , Council Regulation (Euratom, EC) No 2185/96 ¹⁰² and Council Regulation (EU) 2017/1939 ¹⁰³ , the	(52) In accordance with Regulation (EU, Euratom) No 2018/1046 , (new Financial Regulation) , Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ¹⁰⁵ , Council Regulation (Euratom, EC) No 2988/95 ¹⁰⁶ , Council Regulation (Euratom, EC) No 2185/96 ¹⁰⁷ and Council	

⁹³ OJ C [...], [...], p. [...].

⁹⁴ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

⁹⁵ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

⁹⁶ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁹⁹ ~~OJ C [...], [...], p. [...].~~

¹⁰⁰ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

¹⁰¹ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

¹⁰² Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

¹⁰³ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

¹⁰⁵ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1).

¹⁰⁶ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.95, p. 1).

¹⁰⁷ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Regulation (EU) 2017/1939 ⁹⁷ , the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and	financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the	Regulation (EU) 2017/1939 ¹⁰⁸ , the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities including and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (" the EPPO") may investigate and prosecute offences against fraud and other criminal offences affecting the financial interests of the Union's	

⁹⁷ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

¹⁰⁸ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council ⁹⁸ . In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.	Council ¹⁰⁴ . In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. <i>The results of investigations into irregularities or fraud in relation to the instrument should be made available to the European Parliament. [Am. 44]</i>	<i>financial interests</i> , as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council ¹⁰⁹ . In accordance with the Regulation (EU, Euratom) No 2018/1046 , any person or entity receiving Union funds is to fully cooperate fully in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939 , and the European Court of Auditors (ECA), and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.	
71.	(53) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial	(53) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in	(53) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in Regulation (EU, Euratom) No 2018/1046 the	

⁹⁸ Directive (EU) 2017/1939 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

¹⁰⁴ Directive (EU) 2017/1939 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

¹⁰⁹ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding other conditionalities to protect the budget [and the European Union Recovery Instrument (the 'European Recovery Instrument')] . ¹¹⁰	
72.	(54) Pursuant to Article 94 of Council Decision 2013/755/EU ¹¹¹ , persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject	(54) Pursuant to Article 94 of Council Decision 2013/755/EU ¹¹² , persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of	(54) Pursuant to Article 94 of Council Decision 2013/755/EU ¹¹³ , persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of	

¹¹⁰ *This recital may have to be updated pending the outcome of negotiations on the conditionality regime.*

¹¹¹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

¹¹² Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

¹¹³ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	to the rules and objectives of the instrument and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.	the instrument and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.	the instrument and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.	
73.	(55) Pursuant to Article 349 of the TFEU and in line with the Commission Communication <i>A stronger and renewed strategic partnership with the EU's outermost regions</i> , endorsed by the Council in its conclusion of 12 April 2018, the relevant Member States should ensure that their national programmes address emerging threats the outermost regions are confronted with. The instrument supports these Member States with adequate resources to help the outermost regions as appropriate.	(55) Pursuant to Article 349 of the TFEU and in line with the Commission Communication <i>A stronger and renewed strategic partnership with the EU's outermost regions</i> , endorsed by the Council in its conclusion of 12 April 2018, the relevant Member States should ensure that their national programmes address emerging threats the outermost regions are confronted with, <i>such as border surveillance, disproportionate influx of people or the deployment of EU information systems</i> . The instrument supports these Member States with adequate resources to help the outermost regions as appropriate <i>in light of such specificities</i> . [Am. 45]	(55) Pursuant to Article 349 of the TFEU and in line with the Commission Communication <i>A stronger and renewed strategic partnership with the EU's outermost regions</i> , endorsed by the Council in its conclusion of 12 April 2018, the relevant Member States should ensure that their national programmes address emerging threats the outermost regions are confronted with. The instrument supports these Member States with adequate resources to help the outermost regions as appropriate.	
74.	(56) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April	(56) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016 ¹¹⁵ , there is a need to evaluate	(56) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for <i>of 13 April 2016 on</i> Better Law-	

¹¹⁵ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	2016 ¹¹⁴ , there is a need to evaluate this instrument on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the instrument on the ground. In order to measure the achievements of the instrument, indicators and related targets should be established in relation to each specific objective of the instrument.	this instrument on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable <i>indicators - including qualitative and quantitative</i> indicators, as a basis for evaluating the effects of the instrument on the ground. In order to measure the achievements of the instrument, indicators and related targets should be established in relation to each specific objective of the instrument. [Am. 46]	Making of 13 April 2016 ¹¹⁶ , there is a need to <i>this instrument should be</i> evaluated this instrument on the basis of information collected through <i>in accordance with</i> specific monitoring requirements, while avoiding overregulation and an administrative burden, in particular on Member States, <i>and overregulation</i> . These <i>Those</i> requirements, where appropriate, can <i>should</i> include measurable indicators, as a basis for evaluating the effects of the instrument on the ground. In order to measure the achievements of the instrument, indicators and related targets should be established in relation to each specific objective of the instrument.	
75.			<i>(56a) For the purpose of the implementation of the programmes with a view to achieving the objectives of the instrument for financial support for border management and visa, it is necessary to process certain personal data of participants in operations supported by the</i>	

¹¹⁴ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

¹¹⁶ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>instrument . The personal data should be processed for the common indicators, for monitoring, evaluation, control and audit and, where applicable, for determining the eligibility of participants. The processing of personal data should be done in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council.¹¹⁷</i>	
76.	(57) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this instrument will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the preparation and implementation of the instrument, and reassessed in the context of the relevant evaluations and review processes.	(57) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this instrument will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the preparation and implementation of the instrument, and reassessed in the context of the relevant evaluations and review processes.	(57) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this instrument will contribute to mainstream climate actions and to the achievement of an overall target of 25 30 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the preparation and implementation of the instrument, and reassessed in the context of the relevant evaluations and review processes.	As agreed in the trilogue on 28 October the new EP proposal (29.10.): <i>“Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the instrument will should contribute to mainstream climate actions and to the achievement of an overall target of <u>30</u> 25 % of the EU budget expenditure supporting climate objectives. <u>In this context, the instrument should support activities that would respect the climate and environmental standards and priorities of the</u></i>

¹¹⁷

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				<u><i>Union and the “do no harm” principle of the European Green Deal.”</i></u>
76a.			<i>(57a) Regulation (EU) No 514/2014 or any act applicable to the 2014–2020 programming period should continue to apply to programmes and projects supported by the Fund under the 2014–2020 programming period. Since the implementation period of Regulation (EU) No 514/2014 extends over to the programming period covered by this Regulation and in order to ensure continuity of implementation of certain projects approved by that Regulation, phasing provisions should be established. Each individual phase of the phased project should be implemented in accordance with the rules of the programming period under which it receives funding.</i>	
77.	(58) Through the indicators and financial reporting, the Commission and the Member States should monitor the implementation of the instrument, in accordance with the relevant provisions of	(58) Through the indicators and financial reporting <i>The Commission should present a summary of the accepted annual performance reports to the European Parliament and the Council every year. Upon request, the Commission and the Member States should monitor the</i>	(58) Through the indicators and financial reporting, the Commission and the Member States should monitor the implementation of the instrument, in accordance with the relevant provisions of Regulation (EU) No .../... [CPR] and this Regulation.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Regulation (EU) No .../... [CPR] and this Regulation.	implementation <i>make the full text</i> of the instrument, in accordance with the relevant provisions of Regulation (EU) No .../... [CPR] and this Regulation <i>annual performance reports available to the European Parliament and the Council.</i> [Am. 47]		
78.		<i>(58a) It is important to ensure sound financial management and legal certainty during the transitional period and throughout the implementation of the Instrument. Actions undertaken during the 2014-2020 period should not be interrupted during the transition. [Am. 48]</i>		
79.	(59) In order to supplement and amend non-essential elements of this Regulation the power to adopt acts in accordance with Article 290 the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the common monitoring and evaluation framework. It is of particular importance that the	(59) In order to supplement and amend non-essential elements of this Regulation the power to adopt acts in accordance with Article 290 the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the common monitoring and evaluation framework. It is of particular importance that the Commission carries out appropriate consultations	(59) In order to supplement and amend non-essential elements of this Regulation the power to adopt acts in accordance with Article 290 the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the common monitoring and evaluation framework. It is of particular importance that the Commission carries out appropriate consultations	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016 ¹¹⁸ .	during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016 ¹¹⁹ .	during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016 ¹²⁰ .	
80.	(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹²¹ . The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory	(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹²² . The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the Advisory procedure should be used for the adoption of implementing acts relating to the	(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹²³ . The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the	

¹¹⁸ OJ L 123, 12.5.2016, p. 1.

¹¹⁹ OJ L 123, 12.5.2016, p. 1.

¹²⁰ OJ L 123, 12.5.2016, p. 1.

¹²¹ OJ L 55, 28.2.2011, p. 13.

¹²² OJ L 55, 28.2.2011, p. 13.

¹²³ OJ L 55, 28.2.2011, p. 13.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.	modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature. [Am. 49]	modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.	
81.	(61) Participation by a Member State in this instrument should not coincide with its participation in a temporary financial instrument of the Union which supports the beneficiary Member States to finance, among others, actions at new external borders of the Union for the implementation of the Schengen <i>acquis</i> on borders and visas and external border control.	(61) Participation by a Member State in this instrument should not coincide with its participation in a temporary financial instrument of the Union which supports the beneficiary Member States to finance, among others, actions at new external borders of the Union for the implementation of the Schengen <i>acquis</i> on borders and visas and external border control.	(61) Participation by a Member State in this instrument should not coincide with its participation in a temporary financial instrument of the Union which supports the beneficiary Member States to finance, among others, actions at new external borders of the Union for the implementation of the Schengen <i>acquis</i> on borders and visas and external border control.	
82.	(62) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and	(62) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen	(62) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	development of the Schengen <i>acquis</i> ¹²⁴ which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC ¹²⁵ .	<i>acquis</i> ¹²⁶ which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC ¹²⁷ .	<i>acquis</i> ¹²⁸ which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC ¹²⁹ .	
83.	(63) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> ¹³⁰ which falls within the	(63) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> ¹³² which falls within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in	(63) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> ¹³⁴ which falls within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in	

¹²⁴ OJ L 176, 10.7.1999, p. 36.

¹²⁵ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

¹²⁶ OJ L 176, 10.7.1999, p. 36.

¹²⁷ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

¹²⁸ OJ L 176, 10.7.1999, p. 36.

¹²⁹ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

¹³⁰ OJ L 53, 27.2.2008, p. 52.

¹³² OJ L 53, 27.2.2008, p. 52.

¹³⁴ OJ L 53, 27.2.2008, p. 52.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ¹³¹ .	conjunction with Article 3 of Council Decision 2008/146/EC ¹³³ .	conjunction with Article 3 of Council Decision 2008/146/EC ¹³⁵ .	
84.	(64) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with	(64) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> ¹³⁸ which falls within the area	(64) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen	

¹³¹ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

¹³³ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

¹³⁵ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

¹³⁸ OJ L 160, 18.6.2011, p. 21.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the implementation, application and development of the Schengen <i>acquis</i> ¹³⁶ which falls within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ¹³⁷ .	referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ¹³⁹ .	<i>acquis</i> ¹⁴⁰ which falls within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ¹⁴¹ .	
85.			<i>(64a) In order to specify the nature and modalities of the participation in the instrument by countries associated with the implementation, application and development of the Schengen acquis, further arrangements should be concluded between the Union and those countries under the relevant provisions of their</i>	

¹³⁶ OJ L 160, 18.6.2011, p. 21.

¹³⁷ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

¹³⁹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

¹⁴⁰ OJ L 160, 18.6.2011, p. 21.

¹⁴¹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>respective association agreements. Such arrangements should constitute international agreements within the meaning of Article 218 TFEU. With a view to minimize a possible gap between the moment when this Instrument will become binding on the country concerned and the entry into force of the arrangements, it is appropriate to start the negotiations on such arrangements as soon as possible after the respective country has notified to the Council and the Commission its decision to accept the contents of this Instrument and to implement it in its internal legal order. The conclusion of such arrangements should take place after the country concerned has informed in writing upon fulfilment of all its internal requirements.</i>	
86.	(65) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to TEU and TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark should, in accordance with	(65) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to TEU and TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark should, in accordance with Article 4 of that Protocol, decide within a period of	(65) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to TEU and TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark should, in accordance with Article 4 of that Protocol, decide within a period of	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.	six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.	six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.	
87.	(66) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ¹⁴² . Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.	(66) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ¹⁴³ . Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.	(66) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ¹⁴⁴ . Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.	
88.			(66a) — This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC¹⁴⁵. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.	

¹⁴² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

¹⁴³ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

¹⁴⁴ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

¹⁴⁵ *Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).*

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
89.	(67) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) .../... [Multiannual Financial Framework Regulation] ¹⁴⁶ ,	(67) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) .../... [Multiannual Financial Framework Regulation] ¹⁴⁷ ,	(67) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) .../... [Multiannual Financial Framework Regulation] ¹⁴⁸ ,	
90.	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
91.	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS
92.	<i>Article 1</i> Subject matter	<i>Article 1</i> Subject matter	<i>Article 1</i> Subject matter	<i>Article 1</i> Subject matter
93.	1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund').	1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund') <i>for the period from 1 January 2021 to 31 December 2027.</i> [Am. 50]	1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund') <i>for the period from 1 January 2021 to 31 December 2027.</i>	T + H
94.	2. Jointly with Regulation (EU) No .../... [Customs Control Equipment Fund], establishing as part of the	2. Jointly with Regulation (EU) No .../... [Customs Control Equipment Fund], establishing as part of the [Integrated Border	2. Jointly with Regulation (EU) No .../... Customs Control Equipment Fund, establishing as part of the Integrated Border Management	T, H

¹⁴⁶ OJ L [...], [...], p.

¹⁴⁷ OJ L [...], [...], p.

¹⁴⁸ OJ L [...], [...], p.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	[Integrated Border Management Fund] ¹⁴⁹ the instrument for financial support for customs control equipment, this Regulation establishes the Fund.	Management Fund ¹⁵⁰ the instrument for financial support for customs control equipment, this Regulation establishes the Fund. [Am. 51]	Fund ¹⁵¹ the instrument for financial support for customs control equipment, this Regulation establishes the Fund.	
95.	3. It lays down the objectives of the instrument, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.	3. It <i>This Regulation</i> lays down the objectives of the instrument, <i>the specific objectives and measures to implement those specific objectives</i> , the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding. [Am. 52]	3. It lays down the objectives of the instrument, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.	T, H
96.	<i>Article 2</i> Definitions	<i>Article 2</i> Definitions	<i>Article 2</i> Definitions	<i>Article 2</i> Definitions
97.	For the purposes of this Regulation the following definitions shall apply:	For the purposes of this Regulation the following definitions shall apply:	For the purposes of this Regulation the following definitions shall apply:	For the purposes of this Regulation the following definitions shall apply:
98.	(1) 'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of the Financial Regulation, combining non-repayable forms of support and/or financial instruments	(1) — 'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of the Financial Regulation, combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms	(1) 'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of <i>Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council</i> the Financial Regulation, combining	P (See also line 258)

¹⁴⁹ OJ L [...], [...], p.

¹⁵⁰ OJ L [...], [...], p.

¹⁵¹ OJ L [...], [...], p.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;	of support from development or other public finance institutions, as well as from commercial finance institutions and investors; [Am. 53]	non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;	
99.	(2) ‘border crossing point’ means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council ¹⁵² ;	(2) ‘border crossing point’ means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council ¹⁵³ ;	(2) ‘border crossing point’ means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council ¹⁵⁴ ;	(2) ‘border crossing point’ means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council ¹⁵⁵ ;
100.	(3) ‘European integrated border management’ means the components listed in Article 4 of Regulation (EU) 2016/1624;	(3) ‘European integrated border management’ means the components listed in Article 4 of Regulation (EU) 2016/1624;	(3) ‘European integrated border management’ means the components listed in Article 3 4 of Regulation (EU) .../2019 [EBCG] 2016/1624;	(3) ‘European integrated border management’ means the components listed in Article 3 4 of Regulation (EU) 2016/1624 2019/1896
101.	(4) ‘external borders’ means the borders of the Member States: land borders, including	(4) ‘external borders’ means <i>external borders as defined in point (2) of Article 2 of Regulation (EU)</i>	(4) ‘external borders’ means the borders of the Member States: land borders, including river and lake	(4) ‘external borders’ means <i>external borders as defined in point (2) of Article 2 of</i>

¹⁵² Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

¹⁵³ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

¹⁵⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

¹⁵⁵ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;	No 399/2016 the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet; [Am. 54];	borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;	Regulation (EU) No 399/2016 the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including and those internal borders at which the controls have not been lifted yet;
102.	(5) ‘external border section’ means the whole or a part of the external land or sea border of a Member State as defined by Regulation (EU) No 1052/2013;	(5) ‘external border section’ means the whole or a part of the external land or sea border of a Member State as defined by Regulation (EU) No 1052/2013	(5) ‘external border section’ means the whole or a part of the external land or sea border of a Member State as defined by point (f) of Article 3 of Regulation (EU) No 1052/2013;	(5) ‘external border section’ means the whole or a part of the external land or sea border of a Member State as defined by point (11) of Article 2 of Regulation (EU) No 1052/2013 2019/1896 ;
103.	(6) ‘hotspot area’ means the hotspot area defined in Article 2(10) of Regulation (EU) 2016/1624;	(6) ‘hotspot area’ means the hotspot area defined in Article 2(10) of Regulation (EU) 2016/1624;	(6) ‘hotspot area’ means the hotspot area defined in Article 2(10) 2(23) of Regulation (EU) .../ 2019 [EBCG] 2016/1624 ;	(6) ‘hotspot area’ means the hotspot area defined in Article 2(10) (23) of Regulation (EU) 2016/1624 2019/1896 ;
104.	(7) ‘internal borders at which the controls have not been lifted yet’ means:	(7) ‘internal borders at which the controls have not been lifted yet’ means:	(7) ‘internal borders at which the controls have not been lifted yet’ means:	(7) ‘internal borders at which the controls have not been lifted yet’ means:
105.	(a) the common border between a Member State fully implementing the Schengen <i>acquis</i> and a Member State bound to apply the Schengen	(a) the common border between a Member State fully implementing the Schengen <i>acquis</i> and a Member State bound to apply the Schengen <i>acquis</i> in full, in conformity with its	(a) the common border between a Member State fully implementing the Schengen <i>acquis</i> and a Member State bound to apply the Schengen <i>acquis</i> in full, in conformity with its	(a) the common border between a Member State fully implementing the Schengen <i>acquis</i> and a Member State bound to apply the Schengen <i>acquis</i> in full,

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	<i>acquis</i> in full, in conformity with its Act of Accession, but for which the relevant Council Decision authorising it to fully apply that <i>acquis</i> has not yet entered into force;	Act of Accession, but for which the relevant Council Decision authorising it to fully apply that <i>acquis</i> has not yet entered into force;	Act of Accession, but for which the relevant Council Decision authorising it to fully apply that <i>acquis</i> has not yet entered into force;	in conformity with its Act of Accession, but for which the relevant Council Decision authorising it to fully apply that <i>acquis</i> has not yet entered into force;
106.	(b) the common border between two Member States bound to apply the Schengen <i>acquis</i> in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that <i>acquis</i> has not yet entered into force.	(b) the common border between two Member States bound to apply the Schengen <i>acquis</i> in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that <i>acquis</i> has not yet entered into force.	(b) the common border between two Member States bound to apply the Schengen <i>acquis</i> in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that <i>acquis</i> has not yet entered into force.	(b) the common border between two Member States bound to apply the Schengen <i>acquis</i> in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that <i>acquis</i> has not yet entered into force.
107.			(8) <i>‘emergency situation’ means an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States and/or where incidents related to illegal immigration or cross-border crime occur at external borders of one or more Member States, in particular at border sections with decisive impact on border security to such an extent that they risk jeopardising the functioning of the Schengen area,</i>	P (with technical discussion). H for place, the content may vary between the files. Tcal mtg 12.10: Council: OK with COM's proposal for compromise text. EP does not agree with the proposed definition, as it allows almost any situation to be defined as an emergency, and requests clarification on definitions across the Home Funds. EP also requests further clarifications. COM and

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>or any other situation in respect of which it is duly substantiated that it requires urgent action.</i>	Council to provide examples of emergency situations that might lead to the mobilisation of the EMAS at the internal borders. N.B. Moved from Article 23 (line 270) Council agrees to reinsert "within the scope of this Regulation". COM services' proposal for compromise text: 8. 'emergency situation means a situation resulting from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States and/or where incidents related to illegal immigration or cross-border crime occur at external borders of one or more Member States that have a decisive impact on border security to such an extent that they risk jeopardizing the functioning of the Schengen area, or any other duly substantiated emergency situation

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				requiring immediate action within the scope of this Regulation.’ <i>Note: The requested compromise text for the Article on emergency assistance will be circulated along with the compromise texts on the horizontal provisions.</i> Council: positive scrutiny. EP: first part ok. Second part: insists on its amendment ("...or any other duly substantiated emergency situation requiring immediate action <i>at the external borders</i> within the scope of this Regulation."). COM: risk contradiction with line 131 (no possibility, in emergency situations, to fund something at internal borders or consulates) Council and EP to discuss internally. Second part: P
108.			(9) <i>‘large-scale operating equipment’ means air- or sea-borne or land-based means of transport, surveillance or other stationary or mobile items of equipment that cannot be hand-held.</i>	Trilogue 28 Oct. 20 Positions were maintained but Council will reflect in the light of EP’s compromise proposal for line 207.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				EP can't accept. CION open to this. To be further discussed at technical level For EP linked to lines 207 and 208 (if term appears only in line 208 there is no need for a definition)
109.	<i>Article 3</i> Objectives of the instrument	<i>Article 3</i> Objectives of the instrument	<i>Article 3</i> Objectives of the instrument	<i>Article 3</i> Objectives of the instrument
110.	1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in the Union.	1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in acquis and international obligations of the Union and its Member States arising from international instruments to which they are signatory. [Am. 55]	1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in the Union.	Agreed at trilogue 28 October "As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders, thereby contributing to ensuring a high level of internal security within the Union, while safeguarding the free movement of persons within it, and fully respecting the relevant Union acquis and the international obligations of the Union and the Member States arising from international instruments to which they are signatory."
111.	2. Within the policy objective set out in paragraph 1, the instrument shall contribute to	2. Within the policy objective set out in paragraph 1, the instrument	2. Within the policy objective set out in paragraph 1, the instrument	2. Within the policy objective set out in paragraph 1, the

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the following specific objectives:	shall contribute to the following specific objectives:	shall contribute to the following specific objectives:	instrument shall contribute to the following specific objectives: (H)
112.	(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows;	(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal irregular immigration and cross-border crime and to effectively manage migratory flows; [Am. 56]	(a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows;	P Technical meeting 02/03: To be discussed at political trilogue
113.	(b) supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks.	(b) supporting the common visa policy to <i>ensure a more harmonised approach among the Member States with regard to the issuance of visas and to facilitate legitimate travel and prevent migratory and mitigate</i> security risks. [Am. 57]	(b) supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks.	T→P EP + Council agreed on the compromise: “(b) supporting the common visa policy to ensure harmonised approach with regard to the issuance of visas and to facilitate legitimate travel, while helping prevent migratory and security risks.”

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
114.	3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II.	3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II;	3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II.	3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II. (H)
115.		<i>Article 3a</i> <i>Non-discrimination and respect for fundamental rights</i>		<i>Article 3a</i> <i>Non-discrimination and respect for fundamental rights</i>
116.		<i>The instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis, the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and with the Union's international obligations as regards fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement. [Am. 58]</i>		Agreed at trilogue 28 October "Actions funded under this Instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis, the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement."
117.	<i>Article 4</i> Scope of support	<i>Article 4</i> Scope of support	<i>Article 4</i> Scope of support	<i>Article 4</i> Scope of support
118.	1. Within the objectives referred to in Article 3 and in	1. Within the objectives referred to in Article 3 and in line	1. Within the objectives referred to in Article 3 and in line	P, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	line with the implementation measures listed in Annex II, the instrument shall in particular support the actions listed in Annex III.	with the implementation measures listed in Annex II, the instrument shall <i>support actions that contribute to the achievement of the objectives referred to in Article 3</i> and in particular support the actions listed in Annex III. [Am. 59]	with the implementation measures listed in Annex II, the instrument shall in particular support the actions <i>such as those</i> listed in Annex III.	
119.	2. To achieve the objectives of this Regulation, the instrument may support actions in line with Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5.	2. To achieve the objectives of this Regulation <i>referred to in Article 3</i> , the instrument may <i>in exceptional cases, within defined limits, and subject to appropriate safeguards</i> , support actions in line with Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5. [Am. 60]	2. To achieve the objectives of this Regulation, the instrument may support actions in line with Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article <i>16a</i> 5.	P, H
120.			<i>2a. Equipment and ICT systems financed under this Instrument may be used for customs control, for maritime operations of multipurpose character and for achieving the objectives of the Internal Security Fund established by Regulation (EU) No .../...[ISF] and of the Asylum, Migration and Integration Fund established by Regulation (EU) No .../...[AMIF], as long as the primary purpose of those equipment and ICT systems is in accordance with this Regulation and double-financing is avoided.</i>	Trilogue 28 Oct: Council and EP agreed to deal with the Council's proposal under Art. 12 (line 209) instead under Art. 4.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
121.		<i>2a. The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 8 shall not exceed 4 % of the total amount allocated to the thematic facility under Article 7(2)(b). [Am. 61]</i>		P
122.		<i>2b. The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 12 shall not exceed, for each Member State, 4 % of the total amount allocated to that Member State in accordance with Article 7(2)(a), with Article 10(1) and with Annex I. [Am. 62]</i>		P
123.	3. The following actions shall not be eligible:	3. The following actions shall not be eligible:	3. The following actions shall not be eligible:	3. The following actions shall not be eligible:
124.	(a) the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet;	(a) the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet;	(a) the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet;	(a) the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet;
125.	(b) the actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in Regulation (EU) 2016/399;	(b) the actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in Regulation (EU) 2016/399;	(b) the actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in Regulation (EU) 2016/399;	(b) the actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in Regulation (EU) 2016/399;

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
126.	(c) as regards the control of goods:	(c) as regards the control of goods:	(e) as regards the control of goods:	Technical meeting 18.09: see line 128
127.	(1) actions of which the exclusive aim or effect is control of goods;	(1) actions of which the exclusive aim or effect is control of goods;	(1) actions of which the exclusive aim or effect is control of goods;	Technical meeting 18.09: see line 128
128.	(2) purchase, maintenance or upgrading of equipment, excluding means of transport, of which one of the aims or effects is control of goods;	(2) purchase, maintenance or upgrading of equipment, excluding means of transport, of which one of the aims or effects is control of goods;	(2) purchase, maintenance or upgrading of equipment, excluding means of transport, of which one of the aims or effects is control of goods;	Technical meeting 18.09: EP might accept the Council's proposals (deletion of non-eligible actions concerning the control of goods, etc.) subject to on-going internal crosschecks with the CCEI ("Custom Regulation"). Technical meeting 9.07: Council explained the changes included in its position. They are a mere simplification of the provisions put forward by the COM. The actions of which the primary purpose is customs control are not eligible under BMVI. COM confirmed this. Drafting compliant with the common understanding reached on 26 November 2019 between the EP and the Council on the proposal establishing, as part of the Integrated Border Management Fund, the instrument for financial

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				support for customs control equipment.
129.	(3) other actions under this Regulation of which the primary aim or effect is the control of goods.	(3) other actions under this Regulation of which the primary aim or effect is the control of goods	(3) other actions under this Regulation of which the primary aim or effect is the control of goods.	T→P if needed
130.			(c) <i>the actions of which the primary purpose is customs control.</i>	T→P if needed Tcal mtg 12.10: Provisional agreement on lines 126-130 (Council's position) subject to consultations with shadow rapporteurs.
131.	Where an emergency situation occurs, non-eligible actions referred to in this paragraph may be considered eligible.	Where an emergency situation, <i>as referred to in Article 23</i> , occurs, non-eligible actions referred to in this paragraph may be considered eligible. [Am. 63]	4. Where an emergency situation occurs, non-eligible actions referred to in this paragraph 3 may be considered eligible.	T Linked to line 107 (definition of emergency situation)
132.	<i>Article 5</i> Eligible entities	<i>Article 5</i> Eligible entities	<i>Article 5</i> Eligible entities	Council text moved to art 16a new EP and Council internal reflection ongoing For political level (then EP will check if they have a mandate to discuss it at horizontal level)
133.	1. The following entities may be eligible:	1. The following entities may be eligible:	1. The following entities may be eligible:	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
134.	(a) legal entities established in any of the following countries:	(a) legal entities established in any of the following countries:	(a) legal entities established in any of the following countries:	T, H
135.	(i) a Member State or an overseas country or territory linked to it;	(i) a Member State or an overseas country or territory linked to it;	(i) a Member State or an overseas country or territory linked to it;	T, H
136.	(ii) third country listed in the work programme under the conditions specified therein.	(ii) a third country listed in the work programme under the conditions specified therein, <i>subject to the condition that all actions in or in relation to that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, and the international obligations of the Union and the Member States.</i> [Am. 64]	(ii) third country listed in the work programme under the conditions specified therein.	P, H Tcal mtg 12.10: To be dealt with in the discussions on actions in third countries. Links with third countries and eligibility criteria. N.B. Line 243 CNS text COM: Eligibility rules should be the same for the three instruments. EP: Third countries is one of the aspects to be covered when looking at fundamental rights provisions.
137.	(b) any legal entity created under Union law or any international organisation.	(b) any legal entity created under Union law or any international organisation.	(b) any legal entity created under Union law or any international organisation.	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
138.	2. Natural persons are not eligible.	2. Natural persons are not eligible.	2. Natural persons are not eligible.	T, H
139.	3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.	3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action, <i>and where this is in full compliance with Union acquis and the Charter of Fundamental Rights of the European Union.</i> [Am. 65]	3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.	P, H (linked to line 115) N.B. Line 246 CNS text
140.	4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states or in third countries, are eligible.	4. Legal entities participating in consortia of at least two independent entities, established in different Member States or <i>in</i> overseas countries or territories linked to those states or in third countries, are eligible. <i>Article 6(3) applies when international organisations participating in a consortium are established in a third country.</i> [Am. 66]	4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states or in third countries, are eligible.	P, H N.B. Line 247 CNS text
141.	CHAPTER II FINANCIAL AND IMPLEMENTATION FRAMEWORK	CHAPTER II FINANCIAL AND IMPLEMENTATION FRAMEWORK	CHAPTER II FINANCIAL AND IMPLEMENTATION FRAMEWORK	CHAPTER II FINANCIAL AND IMPLEMENTATION FRAMEWORK
142.	SECTION 1 COMMON PROVISIONS	SECTION 1 COMMON PROVISIONS	SECTION 1 COMMON PROVISIONS	SECTION 1 COMMON PROVISIONS

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
143.	<i>Article 6</i> General principles	<i>Article 6</i> General principles	<i>Article 6</i> General principles	<i>Article 6</i> General principles
144.	1. Support provided under this Regulation shall complement national, regional and local interventions, and shall focus on bringing added value to the objectives of this Regulation.	1. Support provided under this Regulation shall complement national, regional and local interventions, and shall focus on bringing <i>Union</i> added value to the objectives of this Regulation. [Am. 67]	1. Support provided under this Regulation shall complement national, regional and local interventions, and shall focus on bringing added value to the objectives of this Regulation.	T, H Presidency to check whether this is acceptable or not. Commission might be open to such an addition. 1. Support provided under this Regulation shall complement national, regional and local interventions, and shall focus on bringing <i>Union</i> added value to the objectives of this Regulation. <i>NB: Coherence needed with the other two Home Affairs instruments</i>
145.	2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.	2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments	2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.	2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments. (H)

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
146.	3. The instrument shall be implemented in shared, direct or indirect management in accordance with Articles 62 (1)(a), (b) and (c) of the Financial Regulation.	3. The instrument shall be implemented in shared, direct or indirect management in accordance with Articles 62 (1)(a), (b) and (c) of the Financial Regulation.	3. The instrument shall be implemented in shared, direct or indirect management in accordance with Articles 62 (1)(a), (b) and (c) of Regulation (EU, Euratom) 2018/1046 the Financial Regulation.	Provisionally agreed at tcal mtg 14.07: 3. The instrument shall be implemented in shared, direct or indirect management in accordance with Articles 62 (1)(a), (b) and (c) of Regulation (EU, Euratom) 2018/1046.
147.		3b. The Commission and the Member States shall cooperate in the implementation of the instrument. The Commission shall set up a helpdesk and contact point to provide support to Member States and contribute to the effective allocation of funding. [Am. 68]		EP withdraws
148.	Article 7 Budget	Article 7 Budget	Article 7 Budget	
149.	1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR 8 018 000 000 in current prices.	1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR 7 087 760 000 in 2018 prices (EUR 8 018 000 000 in current prices). [Am. 69]	1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR 8 018 000 000 5 241 000 000 in current prices.	
150.	2. The financial envelope shall be used as follows:	2. The financial envelope shall be used as follows:	2. The financial envelope shall be used as follows:	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
151.	(a) EUR 4 811 000 000 shall be allocated to the programmes implemented under shared management, of which EUR 157 200 000 for the Special Transit Scheme referred to in Article 16, implemented under shared management;	(a) EUR 4 252 833 000 in 2018 prices (EUR 4 811 000 000 in current prices) shall be allocated to the programmes implemented under shared management, of which EUR 138 962 000 in 2018 prices (EUR 157 200 000 in current prices) for the Special Transit Scheme referred to in Article 16, implemented under shared management; [Am. 70]	(a) EUR 4 811 000 000 3 668 000 000 shall be allocated to the programmes implemented under shared management, of which EUR 157 200 000 200 568 000 for the Special Transit Scheme referred to in Article 16, implemented under shared management;	
152.	(b) EUR 3 207 000 000 shall be allocated to the thematic facility.	(b) EUR 2 834 927 000 in 2018 prices (EUR 3 207 000 000 in current prices) shall be allocated to the thematic facility. [Am. 71]	(b) EUR 3 207 000 000 1 573 000 000 shall be allocated to the thematic facility.	
153.			[2a. The above amounts include a dedicated, significant component for external migration management.]	
154.	3. Up to 0.52 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the instrument.	3. Up to 0,52 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the instrument.	3. Up to 0.52 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the instrument.	3. Up to 0.52 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the instrument. (H for the text)
155.	4. Under the relevant provisions of their association agreements, arrangements shall be made in order to specify the nature and modalities of the	4. Under the relevant provisions of their association agreements, arrangements shall be made in order to specify the nature and modalities of the participation by countries	4. Under the relevant provisions of their respective association agreements, arrangements shall be made in order to specify the nature and modalities of the participation in	T Technical meeting 9.07:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	participation by countries associated with the implementation, application and development of the Schengen <i>acquis</i>. The financial contributions from those countries shall be added to the overall resources available from the Union budget referred to in paragraph 1.	associated with the implementation, application and development of the Schengen <i>acquis</i>. The financial contributions from those countries shall be added to the overall resources available from the Union budget referred to in paragraph 1.	<i>this Instrument</i> by countries associated with the implementation, application and development of the Schengen <i>acquis</i>. <i>The negotiations on those arrangements shall start as soon as possible after the respective country has notified, in accordance with the relevant association agreement, its decision to accept the contents of this Instrument and to implement it in its internal legal order.</i> The financial contributions from those countries shall be added to the overall resources available from the Union <i>financial envelope</i> budget referred to in paragraph 1.	Confirm an agreement on the drafting suggestion produced by EP's and Council's legal services: "4. In accordance with the relevant provisions of their respective association agreements, arrangements shall be made in order to specify the nature and modalities of the participation in this Instrument by countries associated with the implementation, application and development of the Schengen <i>acquis</i>. As soon as possible after the respective country has notified, in accordance with the relevant association agreement, its decision to accept the contents of this Instrument and to implement it in its internal legal order, the Commission shall submit a recommendation to the Council, under Article 218(3) TFEU, for the opening of negotiations on those arrangements. The Council shall act without delay, on receipt of the recommendation, in deciding to authorise the opening of those negotiations. The financial contributions from those countries shall be added to the overall resources available from the Union

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				financial envelope referred to in paragraph 1."
155a.			5. <i>Without prejudice to the resources allocated to Member States under shared management and transferrable in accordance with Article 21 of Regulation (EU) XX [CPR], up to 5% in total of the initial national allocation from any of the funds of the Common Provisions Regulation under shared management may, at the request of Member States, be transferred to the instrument under direct or indirect management. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Those resources shall be used for the benefit of the Member State concerned.</i>	
156.	<i>Article 8</i> General provisions on the implementation of the thematic facility	<i>Article 8</i> General provisions on the implementation of the thematic facility	<i>Article 8</i> General provisions on the implementation of the thematic facility	<i>Article 8</i> General provisions on the implementation of the thematic facility
157.	1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility	1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility using shared, direct	1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility using shared, direct	1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility using shared,

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	using shared, direct and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:	and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:	and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:	direct and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components: (H)
158.	(a) specific actions;	(a) specific actions;	(a) specific actions;	(a) specific actions; (H)
159.	(b) Union actions and	(b) Union actions and	(b) Union actions; and	T, H (b) Union actions; and
160. 1	(c) and emergency assistance.	(c) and emergency assistance.	(c) and emergency assistance.	T, H (c) and emergency assistance.
161.	Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.	Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.	Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.	Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility. (H)
162.	2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II.	2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II or support measures in accordance with Article 20. For the preparation of the work programmes, the Commission shall consult the organisations, which represent the partners at Union	2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II. A significant part of the funding from the thematic facility shall be used for supporting actions in or in relation to third countries in order to contribute to the protection of the	P, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>level, including civil society.</i> [Am. 72]	<i>external borders and external migration management.</i>	
163.		<i>2a. A minimum of 20 % of the funding from the thematic facility shall be allocated to the specific objective referred to in Article 3(2)(b). [Am. 73]</i>		P Trilogue 28 Oct. EP underlines the high importance of increasing the budget for VISA policy. Council is opposed to any binding percentage on the visa policy objective. Very low absorption rates in the current MFF. COM explains that 20% would be one Billion EUR compared to 223 Mio in the past. Percentage too high and limiting flexibility. COM will provide additional figures specifying the expenditure in the past. -> Further discussion at the tech. level.
164.	3. When funding from the thematic facility is granted in direct or indirect management to Member States, it shall be ensured that selected projects are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU that puts at	3. When funding from the thematic facility is granted in direct or indirect management to Member States, it no funding shall be ensured that selected <i>available for</i> projects are not affected by <i>where there is evidence that the legality of those projects, or the legality and regularity of that funding, or the</i>	3. When funding from the thematic facility is granted in direct or indirect management to Member States, it shall be ensured that selected projects are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU that puts at risk the	T→P if needed (H) COM horizontal proposal with EP adjustment: When funding from the thematic facility is granted in direct or indirect management to Member States, it shall be ensured that

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	risk the legality and regularity of expenditure or the performance of projects.	<i>performance of those projects, would be in doubt as a result of</i> a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of projects. [Am. 74]	legality and regularity of expenditure or the performance of projects.	selected operations are not projects affected by a reasoned opinion by the Commission in respect of infringement <u>proceedings</u> under Article 258 TFEU that put at risk the legality and regularity of expenditure or the performance of projects shall not be selected. For approval at next political trilogue.
165.	4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR], assess whether the foreseen actions are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of the projects.	4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR], assess whether the foreseen actions are not affected by <i>to ensure that no funding shall be available for projects where there is evidence that the legality of those projects, or the legality and regularity of those projects, or the performance of those projects, would be called in doubt as a result of</i> a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU that puts at risk the legality and regularity of expenditure or the	4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR], assess whether the foreseen actions are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of the projects.	T→P if needed (H) Tcal mtg 14.07: Provisionally agreed. For the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR], when funding from the thematic facility is implemented in shared management, the Member State shall ensure that, and the Commission shall assess whether, the foreseen actions are not affected by a reasoned opinion by the Commission in respect of an infringement procedure under Article 258 TFEU on a matter that puts at risk the legality and

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		performance of the projects. [Am. 75]		regularity of expenditure or the performance of the actions .
166.		<i>4a. When funding from the thematic facility is granted under direct or indirect management, the Commission shall assess whether the actions foreseen are not affected by a generalised deficiency as regards the rule of law in a Member State that affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union in a manner that puts at risk the legality and regularity of expenditure or the performance of the projects.</i> [Am. 76]		T→P (H)
167.	5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget.	5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget.	5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget.	5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. (H)
168.	6. The Commission shall adopt financing decisions as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and specifying the amounts for each of its	6. The Commission shall <i>is empowered to adopt financing decisions-delegated acts in accordance with Article 29 to lay down work programmes</i> as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the	6. The Commission shall <i>by means of implementing acts</i> adopt financing decisions as referred to in Article 110 of <i>Regulation (EU, Euratom) 2018/1046</i> the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and	P, H Tcal mtg on 9.09: The proposed adoption of COM work programmes by delegated or implementing acts will go to the a political level

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	components, as referred to in paragraph 1. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.	actions to be supported and specifying the amounts for each of its components, as referred to in paragraph 1. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations. [Am. 77]	specifying the amounts for each of its components, as referred to in paragraph 1. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations. <i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).</i>	
169.	7. Following the adoption of a financing decision as referred to in paragraph 3, the Commission may amend the programmes implemented under shared management accordingly.	7. Following the adoption of a financing decision <i>work programme</i> as referred to in paragraph 3-6 , the Commission may amend the programmes implemented under shared management accordingly. [Am. 78]	7. Following the adoption of a financing decision as referred to in paragraph 6 3, the Commission may amend the programmes implemented under shared management accordingly.	T→P, H (linked to political outcome) Linked to 168
170.	8. The financing decisions may be annual or multiannual and may cover one or more components of the thematic facility.	8. The financing decisions <i>work programmes</i> may be annual or multiannual and may cover one or more components of the thematic facility. [Am. 79]	8. The financing decisions may be annual or multiannual and may cover one or more components of the thematic facility.	T→P, H (linked to political outcome) Linked to 168
171.	SECTION 2 SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT	SECTION 2 SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT	SECTION 2 SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT	SECTION 2 SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT
172.	<i>Article 9</i> Scope	<i>Article 9</i> Scope	<i>Article 9</i> Scope	<i>Article 9</i> Scope

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
173.	1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission decision for the thematic facility referred to in Article 8.	1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission decision work programmes for the thematic facility referred to in Article 8. [Am. 80]	1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission decision for the thematic facility referred to in Article 8.	T→P, H (linked to political outcome) Linked to 168 Tcal mtg 14.07: Wait to the discussions on line 168. Same approach to be applied horizontally.
174.	2. Support under this section shall be implemented under shared management in accordance with Article 63 of the Financial Regulation and Regulation (EU) No .../... [CPR].	2. Support under this section shall be implemented under shared management in accordance with Article 63 of the Financial Regulation and Regulation (EU) No .../... [CPR].	2. Support under this section shall be implemented under shared management in accordance with Article 63 of Regulation (EU, Euratom) 2018/1046 the Financial Regulation and Regulation (EU) No .../... [CPR].	(H) Provisionally agreed at tcal mtg 14.07: 2. Support under this section shall be implemented under shared management in accordance with Article 63 of Regulation (EU, Euratom) 2018/1046 and Regulation (EU) No .../... [CPR].
175.	<i>Article 10</i> Budgetary resources	<i>Article 10</i> Budgetary resources	<i>Article 10</i> Budgetary resources	<i>Article 10</i> Budgetary resources
176.	1. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:	1. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:	1. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:	1. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
177.	(a) EUR 4 009 000 000 to the Member States in accordance with the criteria in Annex I;	(a) EUR 3 543 880 000 in 2018 prices (EUR 4 009 000 000 in current prices) to the Member States in accordance with the criteria in Annex I; [Am. 81]	(a) EUR 4 009 000 000 3 057 000 000 to the Member States in accordance with the criteria in Annex I;	
178.	(b) EUR 802 000 000 to the Member States for the adjustment of the allocations for the programmes as referred to in in Article 13(1).	(b) EUR 708 953 000 in 2018 prices (EUR 802 000 000 in current prices) to the Member States for the adjustment of the allocations for the programmes as referred to in in Article 13(1). [Am. 82]	(b) EUR 802 000 000 611 000 000 to the Member States for the adjustment of the allocations for the programmes as referred to in in Article 13(1).	
179.	2. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 7(2)(b).	2. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 7(2)(b).	Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 7(2)(b).	
179a.			Article 10a	
179b.			Pre-financing	
179c.			(a) 2021: 5%;	
179d.			(b) 2022: 5%;	
179e.			(c) 2023: 5%;	
179f.			(d) 2024: 5%;	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
179g.			(e) 2025: 5%;	
179h.			(f) 2026: 5%;	
179i.			2. <i>Where a programme is adopted after 1 July 2021, the earlier instalments shall be paid in the year of adoption.</i>	
180.	<i>Article 11</i> Co-financing rates	<i>Article 11</i> Co-financing rates	<i>Article 11</i> Co-financing rates	<i>Article 11</i> Co-financing rates
181.	1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.	1. The contribution from the Union budget shall not exceed 75 % 85 % of the total eligible expenditure of a project <i>from Member States whose per capita gross national income ('GNI') is less than 90 % of that of the Union average and 75 % of the total eligible expenditure for other Member States.</i> [Am. 83]	1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.	1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.
182.	2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.	2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.	2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.	2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions. (H)
183.	3. The contribution from the Union budget may be increased to 90 % of the total	3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for the actions listed in Annex IV.	3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for the actions listed in Annex IV.	3. The contribution from the Union budget may be increased to 90 % of the total eligible

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	eligible expenditure for the actions listed in Annex IV.			expenditure for the actions listed in Annex IV. (H)
184.	4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support, including the Special Transit Scheme.	4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support, including the Special Transit Scheme.	4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support, including the Special Transit Scheme.	4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support, including the Special Transit Scheme.
185.	5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.	5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.	5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.	5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance. (H)
186.			<i>5a. Within the limits set out in Article 30(5)(b)(v) of Regulation (EU) No [CPR], technical assistance of Member States may be financed up to 100 % of the Union budget contribution.</i>	H Tcal mtg 14.07: Text below agreed on. Subject to confirmation by EP and Council. "The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for technical assistance at the initiative of the Member States within the limits set out in Article 30(5)(b)(v) of Regulation (EU) No [CPR]."
187.	6. The Commission decision approving a programme shall set the co-financing rate	6. The Commission decision approving a programme shall set the co-financing rate and the maximum	6. The Commission decision approving a programme shall set the co-financing rate and the maximum	6. The Commission decision approving a programme shall set the co-financing rate and the

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	and the maximum amount of support from this instrument for the types of action referred to in paragraphs 1 to 5.	amount of support from this instrument for the types of action referred to in paragraphs 1 to 5.	amount of support from this instrument for the types of action referred to in paragraphs 1 to 5.	maximum amount of support from this instrument for the types of action referred to in paragraphs 1 to 5. (H)
188.	7. For each specific objective, the Commission decision shall set out whether the co-financing rate for the specific objective is to be applied to:	7. For each specific objective, the Commission decision shall set out whether the co-financing rate for the specific objective is to be applied to:	7. For each <i>type of action</i> specific objective, the Commission decision <i>approving a programme</i> shall set out whether the co-financing rate for the <i>type of action</i> specific objective is to be applied to <i>either of the following</i> :	T, H EP agrees with Council text (subject to horizontal agreement on terminology it is confirmed that "action" is correct) 7. For each <i>type of action</i> specific objective, the Commission decision <i>approving a programme</i> shall set out whether the co-financing rate for the <i>type of action</i> specific objective is to be applied to <i>either of the following</i> :
189.	(a) the total contribution, including the public and private contribution, or	(a) the total contribution, including the public and private contribution, or	(a) the total contribution, including the public and private contribution; ; or	T, H (a) the total contribution, including the public and private contribution; ; or
190.	(b) public contribution only.	(b) public contribution only.	(b) public contribution only.	(b) public contribution only.
191.	<i>Article 12</i> Programmes	<i>Article 12</i> Programmes	<i>Article 12</i> Programmes	<i>Article 12</i> Programmes
192.	1. Each Member State shall ensure that the priorities addressed in its programme are consistent with and respond to the Union priorities and	1. Each Member State <i>and the Commission</i> shall ensure that the priorities addressed in its <i>the national</i> programme are consistent with and respond to the Union	1. Each Member State shall ensure that the priorities addressed in its programme are consistent with and respond to the Union priorities and challenges in the area of border	T→P FR reference agreed at trilogue 28 October

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	challenges in the area of border management and visa, and that they are fully in line with the relevant Union <i>acquis</i> and agreed Union priorities. In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed.	priorities and challenges in the area of border management and visa, and that they are fully in line with the relevant Union <i>acquis</i> and agreed Union priorities, and the international obligations of the Union and Member States arising from international instruments to which they are signatories . In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed. [Am. 84]	management and visa, and that they are fully in line with the relevant Union <i>acquis</i> and agreed Union priorities. In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed.	"... while fully respecting the relevant Union <i>acquis</i> and the international obligations of the Union and the Member States arising from international instruments to which they are signatory."
193.		<i>1a. In that regard, Member States shall allocate a minimum of 20 % of their allocated funding to the specific objective referred to in Article 3(2)(b).</i> [Am. 85]		P Trilogue 28 Oct. EP underlines the high importance of increasing the budget for VISA policy. Council is opposed to any binding percentage on the visa policy objective. Huge different needs of MS and very low absorption rates in the current MFF. COM explains that 20% would be one Billion EUR compared to 223 Mio in the past. Percentage too high and limiting flexibility. COM will provide additional figures specifying the expenditure in the past. -> Further discussion at the tech. level.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
194.	2. The Commission shall ensure that the European Border and Coast Guard Agency and where appropriate, eu-LISA, are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.	2. The Commission shall ensure, <i>where appropriate</i> , that the European Border and Coast Guard Agency and where appropriate, eu-LISA, <i>the European Union Agency for Fundamental Rights, and any other relevant Union agency</i> are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies. [Am. 86]	2. <i>At an early stage of the programming, the Commission shall consult ensure that the European Border and Coast Guard Agency and where appropriate, eu-LISA, on the draft programmes, as regard the areas of their competence, to ensure consistency and complementarity of the actions of the agencies and those of the Member States regarding border management as well as to avoid overlaps and to achieve cost efficiency. The consultation shall be conducted in a timely manner without delaying the approval and implementation of the programmes.</i> are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.	T→P if needed Technical meeting 5/2: Only involvement of FRA and concerns about administrative burden remain open. Requires further discussion, first at technical level and then, possibly, at political level. <i>COM services' proposal for compromise text (6/12): Option 1 – two separate paragraphs: one on the involvement of the Agencies in the programming in general and one on their involvement in operating support</i> The Commission shall from an early stage associate the European Border and Coast Guard Agency and, where appropriate, eu-LISA with the process of developing the programmes of Member States, in so far as it falls within the agencies' competencies. [The Commission shall, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.]

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				EP and Council prefer this option. Council positive scrutiny. <i>COM services' proposal for compromise text (25/11):</i> The Commission shall ensure that from an early stage associate the European Border and Coast Guard Agency and where appropriate, eu-LISA, are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies. <i>The Commission may, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.</i> Council reservations (administrative burden, time for consultation)
195.	3. It shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions	3. It The Commission shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border	3. It shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid	3. The Commission shall consult the European Border and Coast Guard Agency on the activities actions included under operating support within the scope of Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency.	management as well as to avoid double financing and to achieve cost efficiency. [Am. 87]	double financing and to achieve cost efficiency.	double financing and to achieve cost efficiency. The Commission shall, where necessary, consult eu-LISA on the activities actions included under operating support for which the agency has particular expertise in accordance with its mandate.
196.		<i>3a. The Commission shall consult eu-LISA on the draft programmes with a specific emphasis on the activities included under technical support in line with Article 3(2)(b) to ensure consistency and complementarity of the actions of eu-LISA and those of the Member States. [Am. 88]</i>		deleted
197.	4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.	4. The Commission may associate, <i>where appropriate</i> , the European Border and Coast Guard Agency, and where appropriate, eu-LISA, <i>the European Union Agency for Fundamental Rights, and any other relevant agency</i> with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities. [Am. 89]	4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.	T→P if needed Technical meeting 5/2: Linked with line 194. To come back. <i>COM services' proposal for compromise text:</i> 4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities. <i>In carrying out monitoring and evaluation tasks, the Commission may, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.</i> EP and Council to reflect internally
198.	5. Following the adoption of recommendations within the scope of this Regulation in accordance with Regulation (EU) No 1053/2013, and the recommendations issued in the framework of carrying out vulnerability assessments in accordance with Regulation (EU) 2016/1624, the Member State concerned shall examine, together with the Commission, the most appropriate approach to address these recommendations with the support of this instrument.	5. Following the adoption of recommendations within the scope of this Regulation in accordance with Regulation (EU) No 1053/2013, and the recommendations issued in the framework of carrying out vulnerability assessments in accordance with Regulation (EU) 2016/1624, the Member State concerned shall examine, together with the Commission, the most appropriate approach to address these recommendations with the support of this instrument.	5. Following the adoption of recommendations within the scope of this Regulation in accordance with Regulation (EU) No 1053/2013, and the recommendations issued in the framework of carrying out vulnerability assessments in accordance with Regulation (EU) .../2019 [EBCG] 2016/1624, the Member State concerned shall examine, together with the Commission, the most appropriate approach to address these recommendations with the support of this instrument.	5. Following the adoption of recommendations within the scope of this Regulation in accordance with Regulation (EU) No 1053/2013, and the recommendations issued in the framework of carrying out vulnerability assessments in accordance with Regulation (EU) 2016/1624 2019/1896, the Member State concerned shall examine, together with the Commission, the most appropriate approach to address these recommendations with the support of this instrument.
199.	6. The Commission shall, where relevant, associate the European Border and Coast	6. The Commission shall, where relevant, associate the European Border and Coast Guard	6. The Commission shall, where relevant, associate the European Border and Coast Guard	T→P if needed Technical meeting 5/2:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Guard Agency with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument.	Agency, <i>eu-LISA, the European Union Agency for Fundamental Rights and any other relevant agency or body</i> with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument. [Am. 90]	Agency with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument.	Linked with line 194. To come back. <i>COM services' proposal for compromise text:</i> The Commission shall, where relevant, associate the European Border and Coast Guard Agency with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument. <i>In that framework, the Commission may, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.</i> EP and CNS to reflect internally.
200.	7. When implementing paragraph 5, the Member State concerned shall make the implementation of measures to address any identified deficiencies, especially measures to address serious deficiencies and non-compliant assessments, a priority for its programme.	7. When implementing paragraph 5, the Member State concerned shall make the implementation of measures to address any identified deficiencies, especially measures to address serious deficiencies and non-compliant assessments, a priority for its programme.	7. When implementing paragraph 5, the Member State concerned shall make the implementation of measures to address any identified deficiencies, especially measures to address serious deficiencies and non-compliant assessments, a priority for its programme.	7. When implementing paragraph 5, the Member State concerned shall make the implementation of measures to address any identified deficiencies, especially measures to address serious deficiencies and non-compliant assessments, a priority for its programme.
201.	8. Where necessary, the programme in question shall be	8. Where necessary, the programme in question shall be	8. Where necessary, the programme in question shall be	T, H Tcal mtg 14.07:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	amended to take into account the recommendations referred to in paragraph 5. Depending on the impact of the adjustment, the revised programme may be approved by the Commission.	amended to take into account the recommendations referred to in paragraph 5 <i>and the progress in achieving the milestones and targets as assessed in the annual performance reports as referred to in Article 27(2)(a)</i> . Depending on the impact of the adjustment, the revised programme may shall be approved by the Commission. [Am. 91]	amended to take into account the recommendations referred to in paragraph 5. Depending on the impact of the adjustment, the revised programme may be approved by the Commission.	COM will work on a drafting suggestion based on text pre-agreed in AMF + a reference to Art. 19 CPR. <i>Presidency compromise suggestion:</i> 8. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 5. Depending on the impact of the adjustment, the revised programme may be approved by the Commission. <i>The revised programme shall be approved by the Commission in the cases referred to in Article 19 of Regulation XXX [CPR]</i> Awaiting feedback from ISF
202.	9. In cooperation and consultation with the Commission and the European Border and Coast Guard Agency in accordance with the Agency's competencies, the Member State concerned may reallocate resources under its programme, including those programmed for operating support, with the aim of addressing the	9. In cooperation and consultation with the Commission and the European Border and Coast Guard Agency in accordance with the Agency's competencies, the Member State concerned may reallocate resources under its programme, including those programmed for operating support, with the aim of addressing the recommendations	9. In cooperation and consultation with the Commission and the European Border and Coast Guard Agency in accordance with the Agency's competencies, the Member State concerned may reallocate resources under its programme, including those programmed for operating support, with the aim of addressing the recommendations	9. In cooperation and consultation with the Commission and the European Border and Coast Guard Agency in accordance with the Agency's competencies, the Member State concerned may reallocate resources under its programme, including those programmed for operating support, with the aim of addressing the recommendations referred to in

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	recommendations referred to in paragraph 5 which have financial implications.	referred to in paragraph 5 which have financial implications.	referred to in paragraph 5 which have financial implications.	paragraph 5 which have financial implications.
203.	10. Whenever a Member State decides to implement projects with or in a third country with the support of the instrument, the Member State concerned shall consult the Commission prior to the start of the project.	10. Whenever <i>Before</i> a Member State decides to implement projects with, <i>in</i> or in <i>relation to</i> a third country with the support of the instrument, <i>it shall ensure that all actions proposed by, in or in relation to that third country comply with the international obligations of the Union and that Member State, and that they fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.</i> The Member State concerned shall consult the Commission prior to the start of the project, <i>including on ensuring that the above conditions are fulfilled.</i> [Am. 92]	10. Whenever a Member State decides to implement <i>new</i> projects with or in a third country with the support of the instrument, the Member State concerned shall <i>approve the project after informing</i> consult the Commission prior to the start of the project.	P (H) Tcal mtg 12.10: Line to be discussed as part of the batch on third countries.
204.	11. Whenever a Member State decides to implement actions with or in a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating illegal	11. Whenever a Member State, <i>exceptionally</i> , decides to implement actions with, <i>in</i> or in <i>relation to</i> a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating illegal <i>irregular</i> immigration and cross-border crime	11. Whenever a Member State decides to implement actions with or in a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating illegal immigration and cross-border crime or contributing to the protection and saving the lives of	T→P Tcal mtg 12.10: Line to be discussed as part of the batch on third countries. EP amendments on SAR part of a larger discussion to bring all the components of the IBM to the scope of the funding.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013.	or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013. Member States shall ensure full respect for the principle of non-refoulement, including in actions occurring on the high seas. [Am. 93]	migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013.	
205.		<i>11a. As soon as a Member State decides to initiate projects with, in or in relation to a third country under this instrument, the Member State shall inform the organisations which represent the partners at national level as well as the members of the Steering Board within 10 days.</i> [Am. 94]		deleted
206.	12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control purchased with the support of this instrument, the following shall apply:	12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control, and search and rescue operations , purchased with the support of this instrument, the following shall apply: [Am. 95]	12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control purchased with the support of this instrument, the following shall apply:	T→P if needed Trilogue on 28 Oct: (linked with 211, 393, 401, 402) EP compromise highlighting that SAR is part of integrated border management: “As regards operating equipment, including means of transport, and

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				<i>communication systems required for effective and secure border control and border surveillance, <u>including for search and rescue operations,</u> purchased with the support of this instrument the following shall apply:"</i> Council and COM reiterate that they want to link SAR expenditure with border surveillance since a EU legal basis outside the EBCG Regulation would be missing. Tcal mtg 12.10: Council: Positive scrutiny on COM's proposal for compromise text. EP am`s on SAR part of a larger discussion to bring all the components of the IBM to the scope of the funding. <i>COM services' proposal for compromise text:</i> As regards operating equipment, including means of transport, and communication systems required for effective and secure border control and border surveillance purchased with the support of this

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				instrument, the following shall apply: <i>Background: reference to search and rescue here is not necessary here because of the text in line 211 (see below).</i> EP comment: link to Multiannual strategic policy cycle for European integrated border management to be considered Council: positive scrutiny (SAR in the context of border surveillance) For the political level (SAR to be addressed in holistic way)
207.	(a) before launching the purchase procedures to acquire operating equipment, including means of transport, and communication systems with the support of the instrument, the Member States shall ensure that this equipment complies with the standards established by the European Border and Coast Guard Agency, where such standards exist, and shall verify with the European Border and Coast Guard Agency their technical specifications with the aim of ensuring interoperability	(a) before launching the purchase procedures to acquire operating equipment, including means of transport, and communication systems with the support of the instrument, the Member States shall ensure that this equipment complies with the standards established by the European Border and Coast Guard Agency, where such standards exist, and shall verify with the European Border and Coast Guard Agency their technical specifications with the aim of ensuring interoperability of	(a) before launching the purchase procedures to acquire large-scale operating equipment, including means of transport, and communication systems with the support of the instrument, the Member States shall ensure that this equipment complies with the standards <i>in force prior to the start of the purchase procedure</i> established by the European Border and Coast Guard Agency, where such standards exist, and shall verify with the European Border and Coast Guard Agency their technical specifications with the aim of	T Discussed at trilogue 28 Oct. EP and Council submitted compromise proposals: EP compromise proposal: "(a) before launching the purchase procedures to acquire large-scale operating equipment, <i>including means of transport,</i> and communication systems with the support of the instrument, the Member States shall ensure that

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	of the assets used by the European Border and Coast Guard;	the assets used by the European Border and Coast Guard;	ensuring interoperability of the assets used by the European Border and Coast Guard, <i>unless agreed otherwise with the Agency</i> ;	these equipment and systems meet the technical standards defined by the European Border and Coast Guard Agency <i>in accordance with Article 64 of Regulation (EU) 2019/1896</i> Council's compromise proposal: "(a) before launching the purchase procedures to acquire large-scale operating equipment and communication systems with the support of the instrument, the Member States shall ensure that these equipment and systems meet the technical standards in force prior to the start of the purchase procedure defined by the European Border and Coast Guard Agency." COM supports EP's compromise but proposes to replace "before" by "when" for specifying the exact time. Council could agree to EP's compromise if the wording "in force prior to the start of the purchase procedure" is maintained.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				Discussion at technical level should continue.
208.	(b) all large-scale operating equipment for border management, such as aerial and maritime means of transport and surveillance purchased by the Member States shall be registered in the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;	(b) all large-scale operating equipment for border management, such as aerial and maritime means of transport and surveillance purchased by the Member States shall be registered in the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;	(b) all large-scale operating equipment for border management, such as aerial and maritime means of transport and surveillance purchased by the Member States shall be registered in the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 64(9) 39(8) of Regulation (EU) .../2019 [EBCG] 2016/1624;	(b) all large-scale operating equipment for border management, such as aerial and maritime means of transport and surveillance purchased by the Member States shall be registered in the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) 64(9) of Regulation (EU) 2016/1624 2019/1896 ;
209.	(c) Member States may decide to purchase items for multi-purpose maritime operations supported by the instrument, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. These items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in	(c) Member States may decide to purchase items for multi-purpose maritime operations supported by the instrument, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. These items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;	(e) Member States may decide to purchase items for multi-purpose maritime operations supported by the instrument, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the period of use for national purposes within a year. These items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available. in accordance with Article 39(8) of Regulation (EU) 2016/1624;	T→P if needed Trilogue 28 Oct: In a spirit of compromise Council and EP agreed to deal with the Council's proposal under Art. 12 (line 209) instead under Art. 4. (line 120). EP supports COM's proposal in order to set an upper cap. Council stressed need for flexibility, the reduction of administrative burden and the optimal use of assets. Council

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	accordance with Article 39(8) of Regulation (EU) 2016/1624;		2a. Equipment and ICT systems financed under this Instrument may be used for customs control, for maritime operations of multipurpose character and for achieving the objectives of the Internal Security Fund established by Regulation (EU) No ...[ISF] and of the Asylum, Migration and Integration Fund established by Regulation (EU) No ...[AMIF] , as long as the primary purpose of those equipment and ICT systems is in accordance with this Regulation and double-financing is avoided.	considers “exceptionally” and percentage of 20% as too limiting. COM clarified that the reference to AMIF in para 2a is not relevant since an overlapping use of equipment between BMVI and AMIF does hardly exist. <u>EP proposal at trilogue of 28/10</u> (c) Member States may decide to purchase items for multi-purpose maritime operations supported by the instrument, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. These items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 64(14) of 39(8) of Regulation (EU) 2019/1896 2016/1624 ; <u>new letter at the end of paragraph 12:</u>

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				2a. <u>Operating equipment and ICT systems financed under this Instrument may be used exceptionally for up to 20 % of the total period of use for customs control, for maritime operations of multipurpose character and for achieving the objectives of the Internal Security Fund established by Regulation (EU) No ...[ISF] and of the Asylum, Migration and Integration Fund established by Regulation (EU) No ...[AMIF], as long as the primary purpose of those equipment and ICT systems is in accordance with this Regulation and double-financing is avoided. Member States shall inform the Commission of any such use.</u>
210.	(d) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the	(d) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the reporting in line with Article 27 the available	(c4) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the reporting in line with Article 27 the available	T Change depending on the outcome on line 209.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	reporting in line with Article 27 the available multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.	multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.	multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.	
211.		<i>Where Member States are implementing actions under this instrument related to maritime border surveillance, they shall pay particular attention to their international obligations regarding search and rescue at sea and shall be entitled, for that purpose, to use the equipment and systems referred to in points (a) to (d) of this paragraph. [Am. 96]</i>		Agreed at trilogue 28 Oct: “Where Member States are implementing actions under this instrument, they shall pay particular attention to their international obligations regarding search and rescue at sea. Equipment and systems referred to in points (a) to (d) of this paragraph may be used to address search and rescue situations which may arise during border surveillance operations at sea.”
212.	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding.	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, and on relevant Union and international law, including with regard to	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, where such standards exist.	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, in particular the common core curricula referred

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>fundamental rights, access to international protection and relevant maritime law. [Am. 97]</i>		<i>to in Article 62(6) of Regulation (EU) 2019/1896.</i>
213.	14. Member States shall pursue in particular the actions listed in Annex IV. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex IV.	14. Member States shall pursue in particular the actions listed in Annex IV. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex IV.	14. Member States <i>may</i> shall pursue in particular the actions listed in Annex IV. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex IV.	T, H COM and EP do not agree. Council sticks to its position. To be discussed at political level.
214.	15. Programming as referred to in Article 17(5) of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Table 1 of Annex VI.	15. Programming as referred to in Article 17(5) of Regulation (EU) No .../... [CPR] <i>Each programme shall be based on set out for each specific objective</i> the types of intervention set out in <i>accordance with</i> Table 1 of Annex VI <i>and an indicative breakdown of the programmed resources by type of intervention or area of support.</i> [Am. 98]	15. Programming as referred to in Article 17(5) of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Table 1 of Annex VI.	Provisionally agreed at tcsl mtg 14.07 (COM's drafting suggestion; including different table numbers): Programming as referred to in Article 17(5) of Regulation (EU) No [CPR] shall be based on the types of intervention set out in Table 1 of Annex VI and shall include an indicative breakdown of the programmed resources by type of intervention within each specific objective.
215.	<i>Article 13</i> Mid-term review	<i>Article 13</i> Mid-term review	<i>Article 13</i> Mid-term review	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
216.		<i>-1. The programmes shall be subject to a mid-term review and evaluation in accordance with Article 26. [Am. 99]</i>		
217.	1. In 2024 the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025.	1. In By the end of 2024, and after informing the European Parliament, the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025. [Am. 100]	1. In 2024 the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025.	(H)
218.	2. If at least 10 % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No .../... [CPR], the Member State concerned shall not be eligible to receive the additional	2. If at least 10-30 % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No .../... [CPR], the Member State concerned shall not be eligible to receive the additional allocation for	2. If at least 10 % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No .../... [CPR], the Member State concerned shall not be eligible to receive the additional allocation for	(H)

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	allocation for its programme referred to in paragraph 1.	its programme referred to in paragraph 1. [Am. 101]	its programme referred to in paragraph 1.	
219.		2a. Paragraph 2 applies only if the relevant regulatory framework and related acts are in force on 1 January 2022. [Am. 102]		
220.	3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No .../... [CPR] and identified implementation shortcomings.	3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No .../... [CPR] and identified implementation shortcomings. [Am. 103]	3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No .../... [CPR] and identified implementation shortcomings.	(H)
221.	<i>Article 14</i> Specific actions	<i>Article 14</i> Specific actions	<i>Article 14</i> Specific actions	<i>Article 14</i> Specific actions
222.	1. Specific actions are transnational or national projects in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.	1. Specific actions are transnational or national projects bringing Union added value in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes. [Am. 104]	1. Specific actions are transnational or national projects in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.	T, possibly H Tcal mtg 14.07: EP wishes to keep the reference to Union added value in AMF and BMVI. Council will revert.
223.	2. Member States may, in addition to their allocation	2. Member States may, in addition to their allocation calculated	2. Member States may, in addition to their allocation calculated	2. Member States may, in addition to their allocation

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	calculated in accordance with Article 10(1), receive funding for specific actions, provided that it is consequently earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.	in accordance with Article 10(1), receive funding for specific actions, provided that it is consequently earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.	in accordance with Article 10(1), receive funding for specific actions, provided that it is consequently earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.	calculated in accordance with Article 10(1), receive funding for specific actions, provided that it is consequently earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation. (H)
224.	3. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.	3. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.	3. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.	3. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. (H)
225.	<i>Article 15</i> Operating support	<i>Article 15</i> Operating support	<i>Article 15</i> Operating support	<i>Article 15</i> Operating support
226.	1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.	1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.	1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.	1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union. <i>At the technical meeting on horizontal matters on 14 July 2020, the co-legislators invited the Commission to propose a possible compromise proposal in ISF which, subject to agreement by co-</i>

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				<i>legislators, may be included in AMF and BMVI. Further discussions needed.</i>
227.	2. A Member State may use up to 30 % of the amount allocated under the instrument to its programme to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.	2. A Member State may use up to 30 % of the amount allocated under the instrument to its programme to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.	2. A Member State may use up to 30 40 % of the amount allocated under the instrument to its programme to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.	P
228.	3. Member States using operating support shall comply with the Union <i>acquis</i> on borders and visas.	3. Member States using operating support shall comply with the Union acquis on borders and visas. [Am. 105]	3. Member States using operating support shall comply with the Union <i>acquis</i> on borders and visas.	T EP compromise proposal made during the technical meeting of 5/2: Member States using operating support shall comply with the relevant Union <i>acquis</i> including the <i>acquis</i> on borders and visas. COM, Presidency: It is difficult to assess by MS and adds administrative burden (implies a compliance check). Too much conditionality for operating support.
229.	4. Member States shall justify in the programme and in the annual performance reports	4. Member States shall justify in the programme and in the annual performance reports as referred to in	4. Member States shall justify in the programme and in the annual performance reports as referred to in	H Tcal mtg 12.10:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	as referred to in Article 27 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation of the European Border and Coast Guard Agency as regards the Agency's competencies in accordance with Article 12(3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.	Article 27 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation of the European Border and Coast Guard Agency as regards the Agency's competencies in accordance with Article 12(3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.	Article 27 the use of operating support to <i>contribute to the achievement of</i> the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation of the European Border and Coast Guard Agency, <i>and where appropriate, eu-LISA</i> , as regards the A agencies's competencies in accordance with Article 12(2-3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.	4. Member States shall justify in the programme and in the annual performance reports as referred to in Article 27 the use of operating support to contribute to the achievement of the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation of the European Border and Coast Guard Agency, <i>and where appropriate, eu-LISA</i> , as regards the A agencies's competencies in accordance with Article 12(3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.
230.	5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on	5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on specific tasks and	5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on specific tasks and services as laid down in Annex VII.	T, H 5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on specific

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	specific tasks and services as laid down in Annex VII.	services eligible actions as laid down in Annex VII. [Am. 106]		tasks and services eligible actions as laid down in Annex VII.
231.	6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the specific tasks and services in Annex VII.	6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the specific tasks and services eligible actions in Annex VII. [Am. 107]	6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the specific tasks and services in Annex VII.	T, H 6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the specific tasks and services eligible actions in Annex VII.
232.	<i>Article 16</i> Operating support for the Special Transit Scheme	<i>Article 16</i> Operating support for the Special Transit Scheme	<i>Article 16</i> Operating support for the Special Transit Scheme	<i>Article 16</i> Operating support for the Special Transit Scheme
233.	1. The instrument shall provide support to compensate for foregone fees from visas issued for the purpose of transit and additional costs incurred in implementing the facilitated transit document (FTD) and the facilitated rail transit document (FRTD) scheme in accordance with Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003.	1. The instrument shall provide support to compensate for foregone fees from visas issued for the purpose of transit and additional costs incurred in implementing the facilitated transit document (FTD) and the facilitated rail transit document (FRTD) scheme in accordance with Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003.	1. The instrument shall provide support to compensate for foregone fees from visas issued for the purpose of transit and additional costs incurred in implementing the facilitated transit document (FTD) and the facilitated rail transit document (FRTD) scheme in accordance with Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003, including investment in infrastructures.	1. The instrument shall provide support to compensate for foregone fees from visas issued for the purpose of transit and additional costs incurred in implementing the facilitated transit document (FTD) and the facilitated rail transit document (FRTD) scheme in accordance with Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
234.	2. The resources allocated to Lithuania for the Special Transit Scheme pursuant to Article 7(2)(a) shall be made available as additional operating support for Lithuania, in line with the eligible actions for operating support within the programme, as referred to in Annex VII.	2. The resources allocated to Lithuania for the Special Transit Scheme pursuant to Article 7(2)(a) shall be made available as additional operating support for Lithuania, in line with the eligible actions for operating support within the programme, as referred to in Annex VII.	2. The resources allocated to Lithuania for the Special Transit Scheme pursuant to Article 7(2)(a) shall be made available as additional operating support for Lithuania, in line with the eligible actions for operating support within the programme, as referred to in Annex VII.	2. The resources allocated to Lithuania for the Special Transit Scheme pursuant to Article 7(2)(a) shall be made available as additional operating support for Lithuania, including for investment in infrastructures , in line with the eligible actions for operating support within the programme, as referred to in Annex VII.
235.	3. By way of derogation from Article 15(2), Lithuania may use the amount allocated to it in line with Article 7(2)(a) to finance operating support in addition to the amount defined in Article 15(2).	3. By way of derogation from Article 15(2), Lithuania may use the amount allocated to it in line with Article 7(2)(a) to finance operating support in addition to the amount defined in Article 15(2).	3. By way of derogation from Article 15(2), Lithuania may use the amount allocated to it in line with Article 7(2)(a) to finance operating support in addition to the amount defined in Article 15(2).	3. By way of derogation from Article 15(2), Lithuania may use the amount allocated to it in line with Article 7(2)(a) to finance operating support in addition to the amount defined in Article 15(2).
236.	4. The Commission and Lithuania shall review the application of this Article in the event of changes which have an impact on the existence or functioning of the Special Transit Scheme.	4. The Commission and Lithuania shall review the application of this Article in the event of changes which have an impact on the existence or functioning of the Special Transit Scheme.	4. The Commission and Lithuania shall review the application of this Article in the event of changes which have an impact on the existence or functioning of the Special Transit Scheme.	4. The Commission and Lithuania shall review the application of this Article in the event of changes which have an impact on the existence or functioning of the Special Transit Scheme.
237.			5. <i>Based on a motivated request, the resources allocated to Lithuania for the Special Transit Scheme referred to in Article 7(2)(a) should be reviewed, and where necessary adjusted, before the</i>	T→P if needed On hold (linked to the overall figures). Council's drafting improvement:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>adoption of the last work programme for the thematic facility, within the limits of the budgetary resources referred to in Article 7(2)(b), through the thematic facility referred to in Article 8.</i>	Based on a motivated request Following a reasoned request by Lithuania , the resources allocated to Lithuania for the Special Transit Scheme referred to in Article 7(2)(a) should shall be reviewed, and where necessary adjusted, before the adoption of the last work programme for the thematic facility, within the limits of the budgetary resources referred to in Article 7(2)(b), through the thematic facility referred to in Article 8.
238.	SECTION 3 SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT	SECTION 3 SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT	SECTION 3 SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT	
239.			<i>Article 16a Eligible entities</i>	Council has relocated this from art 5
240.			<i>1. The following entities may be eligible:</i>	T, H
241.			<i>(a) legal entities established in any of the following countries:</i>	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
242.			(i) <i>a Member State or an overseas country or territory linked to it;</i>	T, H
243.			(ii) <i>a third country listed in the work programme under the conditions specified therein.</i>	P, H linked to line 136
244.			(b) <i>any legal entity created under Union law or any international organisation.</i>	T, H
245.			2. <i>Natural persons are not eligible.</i>	T, H
246.			3. <i>Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.</i>	P, H linked to line 139
247.			4. <i>Legal entities participating in consortia of at least two independent entities, established in different Member States or in overseas countries or territories linked to those states or in third countries, are eligible.</i>	P, H linked to line 140
248.	Article 17 Scope	Article 17 Scope	Article 17 Scope	Article 17 Scope

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
249.	Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of the Financial Regulation, or indirectly in accordance with point (c) of that Article.	Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of the Financial Regulation, or indirectly in accordance with point (c) of that Article.	Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of <i>Regulation (EU, Euratom) 2018/1046</i> the Financial Regulation , or indirectly in accordance with point (c) of that Article.	H Provisionally agreed at teal mtg 14.07: Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of Regulation (EU, Euratom) 2018/1046, or indirectly in accordance with point (c) of that Article.
250.	<i>Article 18</i> Union actions	<i>Article 17</i> Union actions	<i>Article 18</i> Union actions	<i>Article 18</i> Union actions
251.	1. Union actions are transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation.	1. Union actions are transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation.	1. Union actions are transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation.	H 1. Union actions are transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation.
252.	2. At the Commission's initiative, the instrument may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annexes II and III.	2. At the Commission's initiative, the instrument may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annexes II and III.	2. At the Commission's initiative, the instrument may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annexes II and III.	H 2. At the Commission's initiative, the instrument may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annexes II and III.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
253.	3. Union actions may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.	3. Union actions may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.	3. Union actions may provide funding in any of the forms laid down in Regulation (EU, Euratom) 2018/1046 the Financial Regulation , in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.	H Provisionally agreed at tcsl mtg 14.07: 3. Union actions may provide funding in any of the forms laid down in Regulation (EU, Euratom) 2018/1046, in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.
254.	4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.	4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.	4. Grants implemented under direct management shall be awarded and managed in accordance with {Title VIII} of Regulation (EU, Euratom) 2018/1046 the Financial Regulation .	H Provisionally agreed at tcsl mtg 14.07: 4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII-of Regulation (EU, Euratom) 2018/1046.
255.	5. The evaluation committee assessing the proposals may be composed of external experts.	5. The evaluation committee assessing the proposals may be composed of external experts.	5. The evaluation committee assessing the proposals may be composed of external experts.	H 5. The evaluation committee assessing the proposals may be composed of external experts.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
256.	6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X] of Regulation (EU) No .../... [Successor of the Regulation on the Guarantee Fund] shall apply.	6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X] of Regulation (EU) No .../... [Successor of the Regulation on the Guarantee Fund] shall apply.	6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under Regulation (EU, Euratom) 2018/1046 the Financial Regulation. The provisions laid down in [Article X] of Regulation (EU) No .../... [Successor of the Regulation on the Guarantee Fund] shall apply.	H Provisionally agreed at teal mtg 14.07: 6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under Regulation (EU, Euratom) 2018/1046. The provisions laid down in [Article X] of Regulation (EU) No .../... [Successor of the Regulation on the Guarantee Fund] shall apply.
257.	<i>Article 19</i> Blending operations	<i>Article 19</i> Blending operations	<i>Article 19</i> Blending operations	P
258.	Blending operations decided under this instrument shall be implemented in accordance with the [InvestEU Regulation] and [Title X] of the Financial Regulation.	Blending operations decided under this instrument shall be implemented in accordance with the [InvestEU Regulation] and [Title X] of the Financial Regulation. [Am. 108]	Blending operations decided under this instrument shall be implemented in accordance with the [InvestEU Regulation] and [Title X] of Regulation (EU, Euratom) 2018/1046 the Financial Regulation.	P To be discussed at a political trilogue;(see also line 98)
259.	<i>Article 20</i> Technical assistance at the level of the Commission	<i>Article 20</i> Technical assistance at the level of the Commission	<i>Article 20</i> Technical assistance at the level of the Commission	<i>Article 20</i> Technical assistance at the level of the Commission

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
260.	The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of 100%.	The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures, <i>namely, preparatory steps, monitoring, supervision, audit, evaluation and all administrative and technical assistance actions necessary for the implementation of this Regulation and, where appropriate with third countries,</i> may be financed at the rate of 100 %. [Am. 109]	The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of 100%.	T, H Provisionally agreed at teal mtg 14.07 (based on COM's drafting suggestion): In accordance with Article 29 of Regulation (EU) No [CPR], the instrument may support technical assistance implemented at the initiative of, or on behalf of, the Commission at a financing rate of 100 % .
261.	<i>Article 21</i> Audits	<i>Article 21</i> Audits	<i>Article 21</i> Audits	<i>Article 21</i> Audits
262.	Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.	Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.	Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of Regulation (EU, Euratom) 2018/1046 the Financial Regulation.	T, H Provisionally agreed at teal mtg 14.07: Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of Regulation (EU, Euratom) 2018/1046.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
263.	<i>Article 22</i> Information, communication and publicity	<i>Article 22</i> Information, communication and publicity	<i>Article 22</i> Information, communication and publicity	<i>Article 22</i> Information, communication and publicity
264.	1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.	1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting promote the actions and their results, by providing coherent, effective and proportionate targeted meaningful information to multiple relevant audiences, including media and the public in the relevant languages. To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public display the Union emblem, and mention explicitly the Union's financial support. [Am. 110]	1. The recipients of Union funding shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public, except where it is restricted due to its classified or confidential nature, particularly concerning security, public order and the protection of personal data, according to the applicable law.	T→P, H Tcal mtg 14.07: EP proposes to re-use wording of Art. 53(3) of Regulation 514/14. EP agrees to include the following sentence: "To ensure the visibility of Union funding, recipients of Union funding should refer to its origin when communicating on the action and display the Union emblem." (from last COM's drafting suggestion). The Commission was invited to suggest another compromise proposal reflecting the discussion Council: To check recital prosed by COM. COM's drafting suggestion: The recipient of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results by providing coherent, effective, meaningful and

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				proportionate information to multiple audiences, including the media and the public, having due regard for the requirements of confidentiality and security, in particular the protection of personal data. To ensure the visibility of Union funding, recipients of Union funding should refer to its origin when communicating on the action and display the Union emblem. Accompanying recital: When promoting the actions supported by this [Fund/Instrument], the recipients of Union funding should provide information in the languages relevant to the target audience. COM to look at the drafting of the whole Article, with the Financial Regulation as a starting point. <i>Result of meetings on horizontal issues at technical level:</i> COM compromise proposal: "1. The recipient of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				promoting the actions and their results by providing coherent, effective, meaningful and proportionate information to multiple audiences, including the media and the public, having due regard for the requirements of confidentiality and security, in particular the protection of personal data. <u>Accompanying recital:</u> When promoting the actions supported by this [Fund/Instrument], the recipients of Union funding should provide information in the languages relevant to the target audience. To ensure the visibility of Union funding, recipients of Union funding should refer to its origin when communicating on the action. To this end, recipients should ensure that all communications to the media and the public, display the Union emblem, and explicitly mention the Union's financial support." <i>Note: EP could agree with this COM proposal if text of recital proposed for paragraph 3 is added to the paragraph 3 of the Article</i> The Council will discuss the COM compromise proposal internally

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
265.	2. The Commission shall implement information and communication actions relating to this instrument, its actions and results. Financial resources allocated to this instrument shall also contribute to the corporate communication on the political priorities of the Union, as far as they are related to the objectives of this Regulation.	2. <i>To reach the widest possible audience</i>, the Commission shall implement information and communication actions relating to <i>the implementation of</i> this instrument, its actions and results. <i>In particular, the Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months.</i> Financial resources allocated to this instrument shall also contribute to the corporate communication on the <i>implementation of</i> political priorities of the Union, as far as they are related to the objectives of this Regulation. <i>In particular, the Commission may promote best practices and exchange information as regards the implementation of the instrument.</i> [Am. 111]	2. The Commission shall implement information and communication actions relating to this the instrument, its to actions <i>taken pursuant to the instrument</i> the and <i>to the</i> results <i>obtained</i>. Financial resources allocated to this the instrument shall also contribute to the corporate communication on the political priorities of the Union, as <i>insofar as they those priorities</i> are related to the objectives of this Regulation <i>referred to in Article 3</i>.	T→P, H Tcal mtg 14.07: Council to revert. <i>Result of meetings on horizontal issues at technical level:</i> COM compromise proposal: To reach the widest possible audience, Commission shall implement information and communication actions relating to this [Fund/instrument], its actions and results. Financial resources allocated to this instrument shall also contribute to the corporate communication on the political priorities of the Union, as far as they are related to the objectives of this Regulation. <u>Accompanying recital</u> (could be added to the recital on Union Actions): The Commission may use financial resources under this [Fund/instrument] to promote best practices and exchange information as regards to the implementation of the instrument. <i>Note: EP could agree with this COM proposal if text of recital</i>

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				<i>proposed for paragraph 3 is added to the paragraph 3 of the Article</i> The Council will discuss the COM compromise proposal internally.
266.		2a. The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council¹⁵⁶, which allows data to be sorted, searched, extracted, compared and reused. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary and name of contractor. [Am. 112]		T→P, H Tcal mtg 14.07: Possible agreement pending consultations in EP and Council. The Commission shall publish the programmes of the thematic facility. For support provided under direct and indirect management, the Commission shall publish the information referred to in Article 38(2) of Regulation (EU, Euratom) 1046/2018 on a publicly available website and shall update that information regularly. This information shall be published in open, machine-readable format which allows data to be sorted, searched, extracted and compared. Accompanying recital: The Commission should publish information on the support provided from the thematic facility under direct or indirect

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				management in a timely manner and update this information where appropriate. It should be possible to sort the information by specific objective, maximum funding from the EU budget and name of beneficiary. Result of meetings on horizontal issues at technical level: COM compromise proposal: The Commission shall publish the programmes of the thematic facility. For support provided under direct and indirect management, the Commission shall publish the information referred to in Article 38(2) of Regulation (EU, Euratom) 1046/2018 on a publicly available website and shall update that information regularly. <u>Accompanying recital:</u> The Commission should publish information on the support provided from the thematic facility under direct or indirect management in a timely manner and update this information where appropriate. This information should be published in open, machine readable format which

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				allows data to be sorted, searched, extracted and compared. It shall be possible to sort the data by specific objective, maximum funding from the EU budget and name of beneficiary. <i>Note: EP could agree with this COM proposal if text of recital proposed for paragraph 3 is added to the paragraph 3 of the Article</i> <u>The Council will discuss the COM compromise proposal internally and get back.</u>
267.		<i>2b. It shall be for the Member States to forward to the Commission information on the development of shared-management programmes, so that the information in question can then be published on its website.</i> [Am. 113]		T→P, H On hold (linked to the overall agreement on the part on shared management). See also Articles 44 and 37(5) CPR.
268.	SECTION 4 SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT	SECTION 4 SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT	SECTION 4 SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT	SECTION 4 SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT
269.	<i>Article 23</i> Emergency assistance	<i>Article 23</i> Emergency assistance	<i>Article 23</i> Emergency assistance	<i>Article 23</i> Emergency assistance

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
270.	1. The instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other situation of urgent and exceptional pressure within the scope of this Regulation that requires immediate action.	1. The instrument shall provide Commission may decide to provide, on an exceptional basis, financial assistance to address urgent and specific needs in the event of an a duly justified emergency situation resulting and as a last resort. These situations can result from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other duly substantiated emergency situation of requiring urgent and exceptional pressure action at the external borders within the scope of this Regulation that requires immediate action. The Commission shall inform the European Parliament and the Council without delay. [Am. 114]	1. The instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other situation of urgent and exceptional pressure within the scope of this Regulation that requires immediate action.	T→P, Tcal mtg 12.10: Provisional agreement on COM's drafting suggestion subject to checks in EP and Council. Part in square brackets remains to be resolved. "The Fund shall provide financial assistance to address urgent and specific needs in the event of a duly justified emergency situation [as defined in point [...] of Article 2]. In response to an emergency situation, the Commission may decide to provide emergency assistance within the limits of available resources." NB (AMF's 4CT): EP could accept compromise proposal of COM subject to the following amendment: "In response to such a duly justified emergency situation,...".

			PUBLIC	H (regarding both the position of this provision in the Regulation and on the procedure) Tcal mtg 14.07: Council questions use of "may" instead of "shall". Art. 7(1) of Regulation 514/14 reads "...the Commission may decide to provide emergency assistance". Council will consult internally. COM's drafting suggestion: The Fund shall provide financial assistance to address urgent and specific needs in the event of duly justified emergency situation, as defined in point (..) of Article 2. In response to an emergency situation, the Commission may decide to provide emergency assistance within the limits of available resources. LS to deal with the beginning of the paragraph. Place for the definition of emergency assistance: to be dealt with at the horizontal meeting.
--	--	--	-------------------	--

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
271.	2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies.	2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies.	2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies.	2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies. (H)
272.	3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is consequently earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.	3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is consequently earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.	3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is consequently earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. <i>Pre-financing for emergency assistance may amount to 95% of the Union contribution, subject to the availability of funds.</i>	3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is consequently earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. (H)
273.	4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.	4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.	4. Grants implemented under direct management shall be awarded and managed in accordance with {Title VIII} of <i>Regulation (EU, Euratom) 2018/1046</i> the Financial Regulation.	H Provisionally agreed at tcsl mtg 14.07: 4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of Regulation (EU, Euratom) 2018/1046.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
274.		<i>4a. Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021. [Am. 115]</i>		T, H Tcal mtg 12.10: EP to check that the amendment can be withdrawn. COM confirmed that Article 67(3)(f) of CPR and Article 193(2) of the Financial Regulation apply and these should provide the necessary guarantees. Tcal mtg 14.07: COM to revert in writing (to confirm if covered by Financial Regulation/ CPR).
275.		<i>4b. Emergency assistance shall be provided in a manner entirely consistent with the Union acquis and with the Union's and the Member States' obligations under the international instruments to which they are signatories. [Am. 116]</i>		T, H Tcal mtg 12.10: Council requests that the general reference to the "Union acquis" is replaced by "Union acquis on borders and visas". EP to come back. EP would propose to add the word "relevant" as used elsewhere in the instrument.
276.			<i>5. The Commission shall regularly inform Member States about the available financial means for emergency assistance and the</i>	T, H Tcal mtg 12.10:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>types of action which may be eligible.</i>	Council's amendment for the sake of transparency. EP sceptical. Emergency assistance should be used only in emergencies. It should not be used a way to top up MS expenditure under the instrument
277.	<i>Article 24</i> Cumulative, complementary and combined funding	<i>Article 24</i> Cumulative, complementary and combined funding	<i>Article 24</i> Cumulative, complementary and combined and Alternative funding	<i>Article 24</i> Cumulative, complementary and combined funding Tcal mtg 14.07: To check if there is an agreement on a different title ("Cumulative and alternative funding") across MFF proposals.
278.	1. An action that has received a contribution under the instrument may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from	1. An action that has received a contribution under the instrument may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in	1. An action that has received a contribution under the instrument may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in	T, H Tcal mtg 14.07: COM to suggest a recital. If clear enough, EP can consider to agree with Council's position. The content of this paragraph is being redrafted in the context of CPR negotiations. Outcome will affect the content here. Awaiting the proposed wording from the Comm.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.	accordance with the documents setting out the conditions for support. <i>Contributions from other Union programmes to actions under this instrument shall be acknowledged, where appropriate, in the Commission work programmes or in the national programmes and annual performance reports.</i> [Am. 117]	accordance with the documents setting out the conditions for support.	
279.	2. Actions awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions:	2. Actions-Operations awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions: [Am. 118]	2. Actions awarded a seal of Excellence certification <i>under this instrument by complying</i> , or which comply with the following cumulative comparable conditions:	Provisionally agreed at teal mtg 14.07 ("or" removed): Actions awarded a seal of Excellence certification, which comply with the following cumulative comparative conditions:
280.	(a) they have been assessed in a call for proposals under the instrument;	a) they have been assessed in a call for proposals under the instrument;	(a) they have been assessed in a call for proposals under the instrument;	(a) they have been assessed in a call for proposals under the instrument; (H)
281.	(b) they comply with the minimum quality requirements of that call for proposals;	(b) they comply with the minimum quality requirements of that call for proposals;	(b) they comply with the minimum quality requirements of that call for proposals;	(b) they comply with the minimum quality requirements of that call for proposals; (H)
282.	(c) they may not be financed under that call for proposals due to budgetary constraints,	(c) they may not be financed under that call for proposals due to budgetary constraints,	(c) they may not be financed under that call for proposals due to budgetary constraints,	(c) they may not be financed under that call for proposals due to budgetary constraints, (H)

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
283.	may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) No .../... [CPR] and Article 8 of Regulation (EU) No .../... [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund or instrument providing support shall apply.	may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) No .../... [CPR] and Article 8 of Regulation (EU) No .../... [Financing, management and monitoring of the Common Agricultural Policy], <i>Union's structural funds</i> provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund or instrument providing support shall apply. [Am. 119]	may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) No .../... [CPR] and Article 8 of Regulation (EU) No .../... [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund or instrument providing support shall apply.	T, H Provisionally agreed at tcsl mtg 14.07: “may receive support from the European Regional Development Fund or the European Social Fund+, in accordance with paragraph 5 of Article [67] of Regulation (EU) .../... [Common Provisions Regulation]. Agreed: Horizontal amendment proposed by COM: to delete “the Cohesion Fund” and “or the European Agricultural Fund for Rural Development”
284.	SECTION 5 MONITORING, REPORTING AND EVALUATION	SECTION 5 MONITORING, REPORTING AND EVALUATION	SECTION 5 MONITORING, REPORTING AND EVALUATION	SECTION 5 MONITORING, REPORTING AND EVALUATION
285.	Sub-section 1 Common provisions	Sub-section 1 Common provisions	Sub-section 1 Common provisions	Sub-section 1 Common provisions
286.	<i>Article 25</i> Monitoring and reporting	<i>Article 25</i> Monitoring and reporting	<i>Article 25</i> Monitoring and reporting	<i>Article 25</i> Monitoring and reporting

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
287.	1. In compliance with its reporting requirements pursuant to Article 43(3)(h)(i)(iii) of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.	1. In compliance with its reporting requirements pursuant to Article 43-41 (3)(h)(i)(iii) of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V, at least annually . [Am. 120]	1. In compliance with its reporting requirements pursuant to Article 41(3)(h)(iii) [43(3)(h)(i)(iii)] of Regulation (EU, Euratom) 2018/1046 the Financial Regulation , the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.	T, H Provisionally agreed at tcal mtg 14.07: 1. In compliance with its reporting requirements pursuant to Article 41(3)(h)(iii) of Regulation (EU, Euratom) 2018/1046, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.
288.	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council. (H)
289.	3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.	3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. For resources under shared management, common indicators shall be used. Upon	3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.	T→P (H) Tcal mtg on 9.09: The first sentence of EP's amendment (resources under shared management and common indicators) can be dropped.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>request, the data received by the Commission on the output and result indicators shall be made available to the European Parliament and to the Council.</i> [Am. 121]		COM: To clarify in the CPR if there is an obligation to publish. Tcal mtg 14.07: Linked to the overall discussions on indicators. COM points out that HOME indicators will be available in the open data platform.
289a.			<i>3a. The Commission shall also report on the share of the thematic facility used for supporting actions in or in relation to third countries.</i>	
290.	4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, the Member States.	4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, the Member States.	4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, the Member States.	4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, the Member States. (H)
291.	5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall	5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt	5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt	T, H Provisionally agreed at tcal mtg 14.07:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	be empowered to adopt delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States.	delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States.	delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States. <i>Any amendment to Annex VIII shall only start to apply in the first accounting year following the year of adoption of the delegated act.</i>	5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States. Any amendment to Annex VIII shall apply only to projects selected after its entry into force.
292.		<i>5a. For resources under shared management, monitoring and reporting shall be based on the types of intervention set out in Annex VI. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to address unforeseen or new circumstances or to ensure the effective implementation of the funding. [Am. 122]</i>		P, H Tcal mtg on 9.09: The empowerment proposed in EP's amendment (second sentence) can be dropped.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
293.		<i>5b. The Commission shall pay particular attention to the monitoring of actions by, in or in relation to third countries, in accordance with Article 5 and Article 12(10) and (11). [Am. 123]</i>		P, H Tcal mtg on 9.09: Possible removal if the monitoring of actions in third countries is integrated in the Article on Evaluation.
294.	<i>Article 26</i> Evaluation	<i>Article 26</i> Evaluation	<i>Article 26</i> Evaluation	<i>Article 26</i> Evaluation
295.	1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under this instrument.	1. <i>By 31 December 2024</i> , the Commission shall carry out present a mid-term and a retrospective evaluation <i>of the implementation</i> of this Regulation, including the actions implemented under this instrument. <i>The mid-term evaluation shall examine the effectiveness, efficiency, simplification and flexibility of the Fund. More specifically, it shall include an assessment of: [Am. 124]</i>	1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under this instrument.	P, H Tcal mtg on 9.09: EP presented a new proposal for the whole article, including a paragraph only applicable to ISF. EP agreed to withdraw the word "compulsory". Council to review EP's proposal with MS and provide feedback. Take into consideration CPR Art. 40. EP's drafting suggestion: "1. By 31 December 2024, the Commission shall present a mid-term evaluation of this Regulation,

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				the mid-term evaluation shall assess the following:"
296.		<i>(a) progress towards the achievement of the objectives of this Regulation, taking into account all relevant information available, in particular the annual performance reports submitted by the Member States under Article 30 and the output and the result indicators set out in Annex VIII; [Am. 125]</i>		P, H EP's drafting suggestion: "(a) the effectiveness of the Fund, including the progress made towards the achievement of the objectives of this Regulation, taking into account all relevant information already available, in particular [the annual performance reports referred to in Article 26 and] the output and result indicators set out in Annex VIII;"
297.		<i>(b) the Union added value of actions and operations implemented under this instrument; [Am. 126]</i>		P, H EP's drafting suggestion: "(b) the efficiency of the use of resources allocated to the Fund and of the management and control measures put in place to implement it; "
298.		<i>(c) the contribution of the instrument to addressing existing and emerging challenges at the external borders, to developing the common visa policy, and the use of the instrument to address</i>		P, H EP's drafting suggestion: "(c) the continued relevance and appropriateness of the

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>shortcomings identified by the Schengen Evaluation Mechanism and Vulnerability assessment; [Am. 127]</i>		implementation measures set out in Annex II;"
299.		<i>(d) the continued relevance of and the appropriateness of the implementation measures set out in Annex II and the actions set out in Annex III; [Am. 128]</i>		P, H EP's drafting suggestion: "(d) the coordination, coherence and complementarity between the actions supported under the Fund and support provided by other Union funds;"
300.		<i>(e) the complementarity and coherence between the actions supported under this instrument and supported provided by other Union funds. [Am. 129]</i>		P, H EP's drafting suggestion: "(e) the European added value of actions implemented under the Fund. "
301.		<i>The mid-term review shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for external borders and visa, part of the Internal Security Fund for the period 2014-2020. [Am. 130]</i>		P, H EP's drafting suggestion: "That compulsory mid-term evaluation shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for border management and visa for the period 2014-2020. The evaluation shall, as

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				appropriate, be accompanied by a legislative proposal for the revision of this Regulation."
302.		<i>1a. By 31 January 2030, the Commission shall carry out a retrospective evaluation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council. The retrospective evaluation shall include an assessment of the elements set out in paragraph 1. In that regard, the longer-term impacts of the instrument shall be evaluated with a view to feeding into</i>		P, H EP's drafting suggestion: "1 a. By 31 December 2030, the Commission shall present a retrospective evaluation of this Regulation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council, which shall include the elements listed in paragraph 1. In addition, the longer-term impacts of the instrument shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent instrument." Horizontal issues meeting 04/12: The date of the CPR is end of 2031. This would not allow to have the evaluation ready for the planning of the new funding period. [Comment Fin Presidency: Will not be in time for the next MFF as the preparations take place

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				in 2026-2027. Or perhaps as early as 2025.] EP to consult internally.
303.	2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with the timeline set out Article 40 of Regulation (EU) No .../... [CPR].	2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with the timeline set out Article 40-14 of <i>this</i> Regulation (EU) No .../... [CPR]. [Am. 132]	2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with the timeline set out Article 40 of Regulation (EU) No .../... [CPR].	T, H
304.		<i>2a. In its mid-term review and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with Article 5 and Article 12(10) and (11). [Am. 133]</i>		T, H EP's drafting suggestion: "In its mid-term review and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with Article 5, Article 12(10) and (11)."
305.	Sub-section 2 Rules for shared management	Sub-section 2 Rules for shared management	Sub-section 2 Rules for shared management	Sub-section 2 Rules for shared management
306.	<i>Article 27</i> Annual performance reports	<i>Article 27</i> Annual performance reports	<i>Article 27</i> Annual performance review reports	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
307.	1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]. The report submitted in 2023 shall cover the implementation of the programme carried out until 30 June 2022.	1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]. The report submitted in 2023 shall cover the implementation of the programme carried out until 30 June 2022. Member States shall publish these reports on a dedicated website and forward them to the European Parliament and to the Council. [Am. 134]	1. <i>For the purpose of the annual performance review as referred to in article 36 of Regulation (EU).../... [CPR],</i> Bby 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance a report as referred to in Article 36(6) of Regulation (EU).../2021 [Common Provisions Regulation]. <i>The reporting period shall cover the last accounting year as defined in Article 2(28) of Regulation (EU).../... [CPR], preceding the year of submission of the report.</i> The report submitted in <i>on 15 February</i> 2023 shall cover the implementation of the programme in the period <i>from 1 January 2021 to 30 June 2022.</i>	P, H A reference to Article 36 CPR should be introduced for clarification. There should be rather annual reports than meetings. To await outcome of CPR negotiations.
308.	2. The annual performance report shall in particular set out information on:	2. The annual performance report shall in particular set out information on:	2. The annual performancee report shall in particular set out information on:	T, H Depends on solution for paragraph 1
309.	(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data as required by Article 37 of	(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data as required by Article 37 of Regulation (EU) No .../... [CPR]	(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data as required by Article 37 of Regulation (EU) No .../... [CPR];	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Regulation (EU) No .../... [CPR];	<i>cumulative data transmitted to the Commission; [Am. 135]</i>		
310.		<i>(aa) a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred; [Am. 136]</i>		T→P, H COM and Council observe that break down of annual accounts is not part of the annual performance report. EP to reflect on amendment
311.	(b) any issues affecting the performance of the programme and the actions taken to address them;	(b) any issues affecting the performance of the programme and the actions taken to address them, <i>including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258 TFEU; [Am. 137]</i>	(b) any issues affecting the performance of the programme and the actions taken to address them;	P, H EP: this applies to the following scenario: no reasoned opinion when the decision is made, but need to report it. Should be exceptional. COM can be flexible Council to discuss internally.
312.	(c) the complementarity between the actions supported by the instrument and support provided by other Union Funds, in particular those in or in relation to third countries;	(c) the complementarity, <i>coordination and coherence</i> between the actions supported by the instrument and support provided by other Union Funds, in particular those <i>the external financing instruments of the Union and others providing funding</i> in or in relation to third countries; [Am. 138]	(c) the complementarity between the actions supported by the instrument and support provided by other Union Funds, in particular those in or in relation to third countries;	T, H Linked to CPR and the partnership agreement. To be discussed at a later stage.
313.	(d) the contribution of the programme to the	(d) the contribution of the programme to the implementation of	(d) the contribution of the programme to the implementation of	(d) the contribution of the programme to the implementation

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	implementation of the relevant Union <i>acquis</i> and action plans;	the relevant Union <i>acquis</i> and action plans;	the relevant Union <i>acquis</i> and action plans;	of the relevant Union <i>acquis</i> and action plans; (H)
314.		(da) compliance with fundamental rights requirements; [Am. 139]		P, H Agreed at political trilogue 28/10 EP agreed to move this AM to line 316 Line deleted
315.	(e) the implementation of communication and visibility actions;	(e) the implementation of communication and visibility actions;	(e) the implementation of communication and visibility actions;	P, H
316.	(f) the fulfilment of the enabling conditions and their application throughout the programming period.	(f) the fulfilment of the enabling conditions and their application throughout the programming period;	(e f) the fulfilment of the enabling conditions and their application throughout the programming period.	Agreed at trilogue on 28 October (f) the fulfilment of the enabling conditions, <i>in particular compliance with fundamental rights</i> , and their application throughout the programming period; (H)
317.		(fa) the implementation of projects in, or in relation to a third country. [Am. 140]		P, H
318.	3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that	3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that deadline, the reports shall be deemed to have been accepted. Once	3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that	P, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	deadline, the reports shall be deemed to have been accepted.	<i>accepted, the Commission shall make summaries of annual performance reports available to the European Parliament and to the Council and shall publish those summaries of the annual performance reports on a dedicated website. [Am. 141]</i>	deadline, the reports shall be deemed to have been accepted.	
319.	4. In order to ensure uniform conditions for the implementation of this Article the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 30(2).	4. In order to ensure uniform conditions for the implementation of this Article the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 30(2).	4. In order to ensure uniform conditions for the implementation of this Article the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the <i>examination</i> advisory procedure referred to in Article 30(2).	P, H
320.	<i>Article 28</i> Monitoring and reporting	<i>Article 28</i> Monitoring and reporting	<i>Article 28</i> Monitoring and reporting	T→P, H EP deletion: issue to be covered in art 25(3) and 25(5) respectively.
321.	1. Monitoring and reporting in accordance with Title IV of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Tables 1, 2 and 3 in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of	1. Monitoring and reporting in accordance with Title IV of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Tables 1, 2 and 3 in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the	1. Monitoring and reporting in accordance with Title IV of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Tables 1, 2, and 3 <i>and 4</i> in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the	T→P, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the funding, the Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 29.	Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 29.	Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 29.	
322.	2. The common indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No .../... [CPR].	2. The common indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No .../... [CPR]. [Am. 142]	2. The common indicators <i>set in Annex VIII</i> shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No .../... [CPR].	T→P, H
323.			<i>Article 28a</i> <i>Processing of personal data</i>	T, H
324.			<i>1. For the purposes of the implementation of the instrument 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.</i>	T, H
325.			<i>2. The personal data referred to in paragraph 1 shall be retained</i>	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>in accordance with Article 76 [of the future CPR].</i>	
326.	CHAPTER III TRANSITIONAL AND FINAL PROVISIONS	CHAPTER III TRANSITIONAL AND FINAL PROVISIONS	CHAPTER III TRANSITIONAL AND FINAL PROVISIONS	CHAPTER III TRANSITIONAL AND FINAL PROVISIONS
327.	<i>Article 29</i> Exercise of the delegation	<i>Article 29</i> Exercise of the delegation	<i>Article 29</i> Exercise of the delegation	<i>Article 29</i> Exercise of the delegation
328.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. (H)
329.	2. The power to adopt delegated acts referred to in Articles 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028.	2. The power to adopt delegated acts referred to in Articles 8, 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028. [Am. 143]	2. The power to adopt delegated acts referred to in Articles 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028.	P , H Tcal mtg on 9.09: Linked to line 168. Discussion postponed.
330.	3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 12, 15, 25 and 28 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European</i>	3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 8, 12, 15, 25 and 28 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified	3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 12, 15, 25 and 28 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified	P , H Tcal mtg on 9.09: Linked to line 168. Discussion postponed.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	<i>Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	therein. It shall not affect the validity of any delegated acts already in force. [Am. 144]	therein. It shall not affect the validity of any delegated acts already in force.	
331.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. (H)
332.	5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council thereof.	5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council thereof.	5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council thereof.	5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council thereof. (H)
333.	6. A delegated act adopted pursuant to Articles 12, 15, 25 and 28 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the	6. A delegated act adopted pursuant to Articles 8, 12, 15, 25 and 28 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. [Am. 145]	6. A delegated act adopted pursuant to Articles 12, 15, 25 and 28 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.	T, H

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	initiative of the European Parliament or the Council.			
334.	<i>Article 30</i> Committee procedure	<i>Article 30</i> Committee procedure	<i>Article 30</i> Committee procedure	<i>Article 30</i> Committee procedure
335.	1. The Commission shall be assisted by a Coordination Committee for the Asylum and Migration Fund, the Internal Security Fund and the instrument for border management and visa. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Coordination Committee for the Asylum and Migration Fund, the Internal Security Fund and the instrument for border management and visa. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Coordination Committee for the Asylum, and Migration and Integration Fund, the Internal Security Fund and the instrument for border management and visa. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹⁵⁷ .	T, H "1. The Commission shall be assisted by the Coordination Committee for the Asylum, and Migration and Integration Fund, the Internal Security Fund and the Border Management and Visa Instrument. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011."
336.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 4 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	P, H Tcal mtg on 9.09: The three legal services of the institutions will consult internally on the procedure (examination instead of advisory) and on the non-opinion clause (line 337).
337.	3. Where the Committee delivers no opinion, the	3. Where the Committee delivers no opinion, the Commission	3. Where the Committee delivers no opinion, the Commission	P, H

¹⁵⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 27(4).	shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 27(4). [Am. 146]	shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 27(4).	
338.	<i>Article 31</i> Transitional provisions	<i>Article 31</i> Transitional provisions	<i>Article 31</i> Transitional provisions	<i>Article 31</i> Transitional provisions
339.	1. This Regulation shall not affect the continuation or modification of the actions concerned under the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 515/2014, which shall continue to apply to those actions until their closure.	1. This Regulation shall not affect the continuation or modification of the actions concerned under the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 515/2014, which shall continue to apply to those actions until their closure.	1. This Regulation shall not affect the continuation or modification of the actions concerned under the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 515/2014, which shall continue to apply to those actions until their closure.	1. This Regulation shall not affect the continuation or modification of the actions concerned under the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 515/2014, which shall continue to apply to those actions until their closure. (H)
340.	2. The financial envelope for the instrument may also cover technical and administrative assistance expenses necessary to ensure the transition between the instrument and the measures adopted under its predecessor, the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, as established	2. The financial envelope for the instrument may also cover technical and administrative assistance expenses necessary to ensure the transition between the instrument and the measures adopted under its predecessor, the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, as established by Regulation (EU) No 515/2014.	2. The financial envelope for the instrument may also cover technical and administrative assistance expenses necessary to ensure the transition between the instrument and the measures adopted under its predecessor, the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, as established by Regulation (EU) No 515/2014.	2. The financial envelope for the instrument may also cover technical and administrative assistance expenses necessary to ensure the transition between the instrument and the measures adopted under its predecessor, the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, as established by Regulation (EU) No 515/2014. (H)

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	by Regulation (EU) No 515/2014.			
340a.			3. <i>Where Member States continue [after the date of application of CPR] to support a project selected and started under Regulation (EC) No 515/2014 , in accordance with Regulation 514/2014, they shall ensure that the following cumulative conditions are met:</i>	
340b.			<i>a) the project so selected has two phases identifiable from a financial point of view with separate audit trails;</i>	
340c.			<i>(b) the total cost of the project exceeds EUR 2 500 000;</i>	
340d.			<i>(c) payments for the first phase of the project shall be included in payment requests under Regulation (EU) 514/2014. Expenditure for the second phase of the project shall be included in payment applications under Regulation (EU) [CPR];</i>	
340e.			<i>(d) the second phase of the project complies with the applicable law and is eligible for support from the instrument under this Regulation and Regulation [CPR];</i>	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
340f.			<i>(e) the Member State commits to complete the project, render it operational and report it in the annual performance report submitted by 15 February 2024.</i>	
340g.			<i>The provisions of this Regulation and Regulation [CPR] shall apply to the second phase of the project.</i>	
341.	<i>Article 32</i> Entry into force and application	<i>Article 32</i> Entry into force and application	<i>Article 32</i> Entry into force and application	<i>Article 32</i> Entry into force and application
342.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .
343.	It shall apply from 1 January 2021.	It shall apply from 1 January 2021.	It shall apply from 1 January 2021.	It shall apply from 1 January 2021.
344.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
345.	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
346.	For the European Parliament The President	For the European Parliament The President	For the European Parliament The President	For the European Parliament The President

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
347.	For the Council The President	For the Council The President	For the Council The President	For the Council The President
348.	ANNEX I Criteria for the allocation of funding to the programmes under shared management	ANNEX I Criteria for the allocation of funding to the programmes under shared management	ANNEX I Criteria for the allocation of funding to the programmes under shared management	
349.	1. The available resources referred to in Article 10 shall be broken down between the Member States as follows:	1. The available resources referred to in Article 10 shall be broken down between the Member States as follows:	1. The available resources referred to in Article 10 shall be broken down between the Member States as follows:	
350.	(a) each Member State shall receive a fixed amount of EUR 5 000 000 from the instrument at the start of the programming period only;	(a) each Member State shall receive a fixed amount of EUR 5 000 000 from the instrument at the start of the programming period only;	(a) each Member State shall receive a fixed amount of EUR 5 000 000 8 000 000 in current prices from the instrument at the start of the programming period only, <i>with the exception of Cyprus, Malta and Greece who shall receive a fixed amount of EUR 28 000 000 in current prices</i> ;	
351.	(b) an amount of EUR 157 200 000 for the Special Transit Scheme to be allocated to Lithuania at the start of the programming period only;	(b) an amount of EUR 157 200 000 for the Special Transit Scheme to be allocated to Lithuania at the start of the programming period only;	(b) an amount of EUR 157 200 000 200 568 000 for the Special Transit Scheme to be allocated to Lithuania at the start of the programming period only;	
352.	(c) and the remaining resources referred to in Article	(c) and the remaining resources referred to in Article 10 shall be	(c) and the remaining resources referred to in Article 10 shall be	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	10 shall be distributed based on the following criteria:	distributed based on the following criteria:	distributed based on the following criteria:	
353.	30 % for external land borders;	30 % for external land borders;	30 % for external land borders;	
354.	35 % for external sea borders;	35 % for external sea borders;	35 % for external sea borders;	
355.	20 % for airports;	20 % for airports;	20 % for airports;	
356.	15 % for consular offices.	15 % for consular offices.	15 % for consular offices.	
357.	2. The resources available under paragraph 1(c) for external land borders and external sea borders shall be broken down between Member States as follows:	2. The resources available under paragraph 1(c) for external land borders and external sea borders shall be broken down between Member States as follows:	2. The resources available under paragraph 1(c) for external land borders and external sea borders <i>as referred to in Article 2(4)</i> shall be broken down between Member States as follows:	
358.	(a) 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 1052/2013 ¹⁵⁸ , determined in accordance with paragraph 11; and	(a) 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 1052/2013 ¹⁵⁹ , determined in accordance with paragraph 11; and	(a) 70 % for the <i>weighted</i> 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 1052/2013¹⁶⁰, determined in accordance with paragraph 11 <i>The weighted length shall be established by the application of the weighting factors referred to in paragraph 11 for each specific section as defined</i>	

¹⁵⁸ Regulation (EU) No 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (Eurosur), (OJ L 295, 6.11.2013, p.11.

¹⁵⁹ Regulation (EU) No 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (Eurosur), (OJ L 295, 6.11.2013, p.11.

¹⁶⁰ Regulation (EU) No 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (Eurosur), (OJ L 295, 6.11.2013, p.11.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
			<i>in Article 2(11) of Regulation (EU) 2019/1896¹⁶¹, and</i>	
359.	(b) 30 % for the workload at their external land and external sea borders, as determined in accordance with paragraph 7(a).	(b) 30 % for the workload at their external land and external sea borders, as determined in accordance with paragraph 7(a).	(b) 30 % for the workload at their external land and external sea borders, as determined in accordance with paragraph 7(a).	
360.	3. The weighting as referred to in paragraph 2(a) shall be determined by the European Border and Coast Guard Agency in accordance with paragraph 11.	3. The weighting as referred to in paragraph 2(a) shall be determined by the European Border and Coast Guard Agency in accordance with paragraph 11.	3. The weighting as referred to in paragraph 2(a) shall be determined by the European Border and Coast Guard Agency in accordance with paragraph 11.	
361.	4. The resources available under paragraph 1(c) for airports shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 7(b).	4. The resources available under paragraph 1(c) for airports shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 7(b).	4. The resources available under paragraph 1(c) for airports shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 7(b).	
362.	5. The resources available under paragraph 1(c) for consular offices shall be broken down between Member States as follows:	5. The resources available under paragraph 1(c) for consular offices shall be broken down between Member States as follows:	5. The resources available under paragraph 1(c) for consular offices shall be broken down between Member States as follows:	

¹⁶¹ Regulation (EU) No 1896/2019 of 13 November 2019 on the European Border and Coast Guard and repealing Regulation (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p.1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
363.	(a) 50 % for the number of consular offices (excluding honorary consulates) of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001 ¹⁶² , and	(a) 50 % for the number of consular offices (excluding honorary consulates) of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001 ¹⁶³ , and	(a) 50 % for the number of consular offices (excluding honorary consulates) of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001 to Regulation (EU) 2018/1806 ¹⁶⁴ , and	
364.	(b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I to Regulation (EC) No 539/2001, as determined in accordance with paragraph 7(c) of this Annex.	(b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I to Regulation (EC) No 539/2001, as determined in accordance with paragraph 7(c) of this Annex.	(b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I to Regulation (EC) No 539/2001 (EU) 2018/1806 , as determined in accordance with paragraph 7(c) of this Annex.	
365.	6. For the purpose of the distribution of resources under paragraph 1(c), ‘external sea borders’ shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations	6. For the purpose of the distribution of resources under paragraph 1(c), ‘external sea borders’ shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea.	6. For the purpose of the distribution of resources under paragraph 1(c), ‘external sea borders’ shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea.	

¹⁶² Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

¹⁶³ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

¹⁶⁴ ~~Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement~~ **Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, (OJ L 303, 28.11.2018, p. 39).**

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent illegal immigration or illegal entry, this shall be the outer limit of high threat areas. The definition of ‘external maritime borders’ in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned. This definition shall be used exclusively for the purpose of this Regulation.	However, in cases where long range operations on a regular basis are required in order to prevent illegal irregular immigration or illegal entry, this shall be the outer limit of high threat areas. The definition of ‘external maritime borders’ in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned. This definition shall be used exclusively for the purpose of this Regulation.	However, in cases where long range operations <i>outside the outer limit of the territorial sea of the Member States have been carried out in high threat areas</i> on a regular basis are required in order to prevent illegal immigration or illegal entry, <i>this shall be taken into account for the purposes of defining ‘external sea borders’</i> this shall be the outer limit of high threat areas. The definition of ‘external maritime sea borders’ in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned <i>and as assessed by the EBCGA for the purposes of the report referred to in paragraph 10.</i> This definition shall be used exclusively for the purpose of this Regulation.	
366.	7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available on the date of the applicability of this Regulation. For the purposes of the mid-term review, the assessment of the workload shall be based on the latest average	7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available on the date of the applicability of this Regulation. For the purposes of the mid-term review, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available at the	7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available on the date of the applicability of this Regulation <i>years 2017, 2018 and 2019.</i> For the purposes of the mid-term review, the assessment of the workload shall be based on the latest average figures covering the	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	figures covering the preceding 36 months available at the time of the mid-term review in 2024. The assessment of the workload shall be based on the following factors:	time of the mid-term review in 2024. The assessment of the workload shall be based on the following factors:	preceding 36 months available at the time of the years 2021, 2022 and 2023 prior to the mid-term review in 2024. The assessment of the workload shall be based on the following factors:	
367.	(a) at external land borders and external sea borders:	(a) at external land borders and external sea borders:	(a) at external land borders and external sea borders:	
368.	(1) 70 % for the number of crossings of the external border at authorised border crossing points;	(1) 70-60 % for the number of crossings of the external border at authorised border crossing points;	(1) 70 % for the number of crossings of the external border at authorised border crossing points;	
369.	(2) 30% for the number of third-country nationals refused entry at the external border.	(2) 30-20 % for the number of third-country nationals refused entry at the external border.	(2) 30% for the number of third-country nationals refused entry at the external border.	
370.		<i>(2a) 20 % for the number of persons having submitted an application for international protection or having been included in such an application as a family member and having had their applications processed under the border procedure referred to in Article 43 of Directive 2013/32/EU of the European Parliament and of the Council¹⁶⁵.</i>		

¹⁶⁵ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
371.	(b) at airports:	(b) at airports:	(b) at airports:	
372.	(1) 70 % for the number of crossings of the external border at authorised border crossing points;	(1) 70 % for the number of crossings of the external border at authorised border crossing points;	(1) 70 % for the number of crossings of the external border at authorised border crossing points;	
373.	(2) 30% for the number of third-country nationals refused entry at the external border.	(2) 30% for the number of third-country nationals refused entry at the external border.	(2) 30% for the number of third-country nationals refused entry at the external border.	
374.	(c) at consular offices:	(c) at consular offices:	(c) at consular offices:	
375.	the number of visa applications for short stays or airport transit.	the number of visa applications for short stays or airport transit.	the number of visa applications for short stays or airport transit.	
376.	8. The reference figures for the number of consular offices as referred to in paragraph 5(a) shall be calculated according to the information contained in Annex 28 of Commission Decision C(2010) 1620 of 19 March 2010 establishing the Handbook for the processing of visa applications and the modifications of issued visas.	8. The reference figures for the number of consular offices as referred to in paragraph 5(a) shall be calculated according to the information contained in Annex 28 of Commission Decision C(2010) 1620 of 19 March 2010 establishing the Handbook for the processing of visa applications and the modifications of issued visas	8. The reference figures for the number of consular offices as referred to in paragraph 5(a) shall be calculated according to the information contained in Annex 28 of Commission Decision C(2010) 1620 of 19 March 2010 establishing the Handbook for the processing of visa applications and the modifications of issued visas on the basis of the information notified to the Commission in accordance with Article 40(4) of Regulation (EC) No 810/2009¹⁶⁶.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
377.	Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.	Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, <i>or a Member States fails to provide such information in two consecutive years</i> , the reference figure shall be zero.	Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.	
378.	9. The reference figures for the workload referred to:	9. The reference figures for the workload referred to:	9. The reference figures for the workload referred to:	
379.	(a) in paragraph 7(a)(1) and 7(b)(1) shall be the latest statistics provided by Member States in accordance with Union law;	(a) in paragraph 7(a)(1) and 7(b)(1) shall be the latest statistics provided by Member States in accordance with Union law;	(a) in paragraph 7(a)(1) and 7(b)(1) shall be the latest statistics provided by Member States in accordance with Union law;	
380.	(b) in paragraph 7(a)(2) and 7(b)(2) shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Union law;	(b) in paragraph 7(a)(2) and 7(b)(2) shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Union law;	(b) in paragraph 7(a)(2) and 7(b)(2) shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Union law;	
381.	(c) in paragraph 7(c) shall be the latest visa statistics published by the Commission in	(c) in paragraph 7(c) shall be the latest visa statistics published by the	(c) in paragraph 7(c) shall be the latest visa statistics published by the	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	accordance with Article 46 of the Visa Code ¹⁶⁷ .	Commission in accordance with Article 46 of the Visa Code ¹⁶⁸ .	Commission in accordance with Article 46 of the Visa Code ¹⁶⁹ .	
382.	(d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.	(d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, <i>or a Member State fails to provide such information in two consecutive years</i> , the reference figure shall be zero.	(d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.	
383.	10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c).	10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c). <i>The Commission shall make the report publicly available.</i>	10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c).	
384.	11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average level of threat of each border section	11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average <i>impact</i> level of threat of <i>on</i> each border section based on the	11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average <i>impact</i> level of threat of <i>for</i> each border section based on the	

¹⁶⁷ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

¹⁶⁸ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

¹⁶⁹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	based on the latest average figures covering the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the threat levels as defined in Regulation (EU) No 1052/2013:	latest average figures covering the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average impact level of threat of on each border section based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the threat impact levels as defined in Regulation (EU) No 1052/2013:	latest average figures covering the years 2017, 2018 and 2019 the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average impact level of threat of for each border section based on the latest average figures covering the years 2021, 2022 and 2023 prior to the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the threat levels impact levels determined in accordance with Article 34(1) of Regulation (EU) 2019/1896 as defined in Regulation (EU) No 1052/2013:	
385.	(a) factor 0.5 for low threat;	(a) factor 0.5 for low threat impact level;	(a) factor 0.5 1 for low threat impact level;	
386. 8	(b) factor 3 for medium threat	(b) factor 3 for medium threat impact level;	(b) factor 3 for medium threat impact level;	
387.	(c) factor 5 for high threat;	(c) factor 5 for high threat impact level.	(c) factor 5 for high and critical threat impact level;	
388.	(d) factor 8 for critical threat.	(d) factor 8 for critical threat.	(d) factor 8 for critical threat.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
389.	ANNEX II Implementation measures	ANNEX II Implementation measures	ANNEX II Implementation measures	ANNEX II Implementation measures
390.	1. The instrument shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:	1. The instrument shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:	1. The instrument shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:	1. The instrument shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures: (H)
391.	(a) improving border control in line with Article 4(a) of Regulation (EU) 2016/1624 by:	(a) improving border control in line with Article 4(a) of Regulation (EU) 2016/1624 by:	(a) improving border control in line with Article 3(a) 4(a) of Regulation (EU) .../2019 [EBCG] 2016/1624 by:	(a) improving border control in line with Article 4(a) 3(1)(a) of Regulation (EU) 2016/1624 2019/1896 by:
392.	i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to prevent and detect cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism;	i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to prevent and detect facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, and measures related to the referral of persons who are in need of, or wish to apply for, international protection;	i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to prevent and detect cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism;	T→P COM services' revised proposal for compromise text (6/11): <i>Note: The Commission was asked to review the previously submitted text. The text below is aligned with Article 3(1)(a) of the EBCG Regulation.</i> i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to facilitate legitimate border crossings and, where appropriate: measures related to the prevention and detection of cross-border crime at the external borders, in

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				particular migrant smuggling, trafficking in human beings, and terrorism; and mechanisms and procedures for the identification of vulnerable persons and unaccompanied minors, and for the identification of persons who are in need of international protection or wish to apply for such protection, the provision of information to such persons, and the referral of such persons; <i>Note: An alternative text could be:</i> reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures <i>listed in Article 3(1)(a) of Regulation (EU) 2019/1896.</i> Council flexible on the options. EP prefers option 1 EP will submit a proposal to clarify the meaning of “identification of persons who ...”
393.	ii. supporting search and rescue in the context of carrying out border surveillance at sea;	ii. supporting search and rescue in the context of carrying out border surveillance at sea;	ii. supporting search and rescue in the context of carrying out border surveillance at sea;	P (linked to 206, 211, 401, 402) Agreed at trilogue 28/10 to move to line 402.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				Line deleted
394.	iii. implementing technical and operational measures within the Schengen area which are related to border control;	iii. implementing technical and operational measures within the Schengen area which are related to border control, <i>provided that such measures do not present a risk to free movement</i> ;	iii. implementing technical and operational measures within the Schengen area which are related to border control;	T EP and Council agreed on: “iii. implementing technical and operational measures within the Schengen area which are related to border control, while safeguarding the free movement of persons within it.”
395.	iv. carrying out analyses of the risks for internal security and analyses of the threats that may affect the functioning or security of the external borders;	iv. carrying out analyses of the risks for internal security and analyses of the threats that may affect the functioning or security of the external borders;	iv. carrying out analyses of the risks for internal security and analyses of the threats that may affect the functioning or security of the external borders;	iv. carrying out analyses of the risks for internal security and analyses of the threats that may affect the functioning or security of the external borders;
396.	v. supporting, within the scope of this Regulation, Member States facing existing or potential disproportionate migratory pressure at the EU’s external borders, including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas.	v. supporting, within the scope of this Regulation, Member States facing existing or potential disproportionate migratory pressure at the EU’s external borders <i>an emergency situation referred to in Article 23</i> , including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas.	v. supporting, within the scope of this Regulation, Member States facing existing or potential disproportionate migratory pressure at the EU’s external borders, including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas.	T→P if needed Tcal mtg 12.10: COM to assess and come back with concrete examples. COM: the funding described in the paragraph should not be limited to only emergency situations. EP: language very close to language used to describe emergency situation. If not emergency situation, why use such similar language?

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
397.	(b) further developing the European Border and Coast Guard, through common capacity-building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency;	(b) further developing the European Border and Coast Guard, through common capacity-building capacity building , joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the among Member States and with a view to the further development of the European Border and Coast Guard Agency;	(b) further developing the European Border and Coast Guard, through common capacity-building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency;	T Techn. meeting 18.09. (ccerns 397 + 451): EP wants to maintain references with the same wording in both provisions EP questions the necessity of a reference to Annex II in line 451. Council: provisionally agreed Compromise: b) developing the European Border and Coast Guard by supporting national authorities responsible for border management to pursue measures related to common capacity building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency;
398.	(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between	(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or	(c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or	T→P Aspect of including third countries important to Council.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices and agencies or third countries, on the other;	between the Member States, on the one hand, and the relevant Union bodies, offices and or agencies, including agencies or third countries responsible for external actions , on the other;	between the Member States, on the one hand, and the relevant Union bodies, offices and agencies or third countries, on the other;	EP wants to know precisely what such cooperation should involve and why it is not rather part of EU external policy. To be further discussed in connection to the overall discussion on actions in and in relation to third countries.
399.	(d) ensuring the uniform application of the Union <i>acquis</i> on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) 2016/1624, and national quality control mechanisms;	(d) ensuring the uniform application of the Union <i>acquis</i> on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) 2016/1624, and national quality control mechanisms;	(d) ensuring the uniform application of the Union <i>acquis</i> on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) .../2019 [EBCG] 2016/1624, and national quality control mechanisms;	(d) ensuring the uniform application of the Union <i>acquis</i> on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) 2016/1624 2019/1896 , and national quality control mechanisms;
400.	(e) setting up, operating and maintaining large-scale IT systems in the area of border management, including the interoperability of these IT systems and their communication infrastructure.	(e) setting up, operating and maintaining <i>those</i> large-scale IT systems already the subject of Union law in the area of border management, including the interoperability of these IT systems and their communication infrastructure, and actions to enhance data quality and the provision of information;	(e) setting up, operating and maintaining large-scale IT systems in the area of border management, including the interoperability of these IT systems and their communication infrastructure.	T→P Trilogue 28 October EP submits compromise proposal: (e) setting up, operating and maintaining the Schengen Information System (SIS II), the European Travel Information and Authorisation System (ETIAS),

				<i>the Entry-exit System (EES), and Eurodac for border management purposes as well as large-scale IT systems in the area of border management, including the interoperability of these IT systems and their communication infrastructure, and actions to enhance data quality and the provision of information;</i> Council and COM raise concerns since EP proposal would too much limit flexibility. Council proposes: “e) setting up, operating and maintaining large-scale IT systems <i>according to Union</i> law in the area of border management, including the interoperability of these IT systems and their communication infrastructure, and actions to enhance data quality and the provision of information;” Comm raised concerns about the expression “according to Union law” -> further discussion at the tech. level. Technical meeting 9.07:
--	--	--	---	--

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				Positions remain unchanged. Council will reflect on the way forward. Council to check internally the addition at the end of EP's amendment. EP points out that three new large-scale IT systems agreed upon in last three years. Three existing systems being substantially upgraded. Interoperability agreed upon. What else could be funded? Would there be enough funding? Is any proposal likely before 2025 at the earliest? Council and COM do not agree with the limitation of “already subject of Union law” on the grounds of flexibility and possible future needs.
401.		<i>(ea) increasing capacity to render assistance to persons in distress at sea, in particular supporting search and rescue operations;</i>		P (linked to lines 206, 211, 393, 402) Discussed at trilogue 28/10 EP maintained its position Tcal mtg 12.10: COM/ CLS: The suggested provisions go beyond the objectives of the instrument and the legal limitations of the Treaties. In particular as this goes

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				beyond SAR operations taking place in situations which may arise during border surveillance operations at sea. EP: Requesting MS to purchase assets which might be used in SAR operations does not go beyond the objectives of the instrument, as SAR is a specific component element of European Integrated Border Management, support for which is one of the core purposes of the instrument. Council compromise proposal of 28.10. "(ea) addressing search and rescue situations which may arise during a border surveillance operation at sea for persons in distress at sea launched and carried out in accordance with Regulation (EU) No 656/2014 and with international law." Further discussion needed at technical level.
402.		<i>(eb) supporting search and rescue in the context of carrying out border surveillance at sea.</i>		P (linked to lines 206, 211, 393, 401) Agreed at trilogue 28/10

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				Line 393 deleted. Council can accept moving line 393 to 402.
403.	2. The instrument shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures:	2. The instrument shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures:	2. The instrument shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures:	2. The instrument shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures: (H)
404.	(a) providing efficient and client-friendly services to visa applicants while maintaining the security and integrity of the visa procedure;	(a) providing efficient and client-friendly client friendly services to visa applicants while maintaining the security and integrity of the visa procedure, with particular regard to vulnerable persons and children ;	(a) providing efficient and client-friendly services to visa applicants while maintaining the security and integrity of the visa procedure;	T Techn. meeting 18.09: EP and Council agree, in principle, on the COM's compromise but requested COM to add a cross-reference to Art.7(2) COM proposal. COM services' proposal for compromise text: a) providing efficient and client friendly services to visa applicants while maintaining the security and integrity of the visa procedure, and fully respecting the human dignity and the integrity of the applicant or of the visa holder; On that basis, the EP Rapporteur would suggest the following wording:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				a) providing efficient and client friendly services to visa applicants while maintaining the security and integrity of the visa procedure, and fully respecting the human dignity and the integrity of the applicant or of the visa holder in accordance with Article 7(2) of Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas <i>Note: Provisions that safeguard applicants' rights already exist in the Visa Code and the VIS Regulation. Regarding the collection of biometric identifiers, Article 13(1) of the Visa Code refers to the European human rights convention, the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Child. Article 39(2) and (3) of the Visa Code on the conduct of staff explicitly prohibits discrimination and obliges staff to respect human dignity. A similar provision on non-discrimination and respect for dignity exists in Article 7(2) of the</i>

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				<i>VIS Regulation. In the context of the ongoing trilogues on the revision of the VIS Regulation (which would provide for, inter alia, the fingerprinting of children as of 6 years of age), the safeguards and references mentioned in Article 7 will probably be expanded.</i> <i>Could the EP consider it sufficient to introduce a reference to fully respecting the human dignity and integrity of the applicant or the visa holder? We could also propose a reference to Article 7(2) of the VIS Regulation. This would have the advantage of not just limiting the “particular regard” to children and vulnerable persons, but expand it to all applicants.</i>
405.		<i>(aa) supporting Member States in issuing visas, including visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and in complying, in full, with the Union acquis on visas;</i>		P Tcal mtg 12.10: Batch on humanitarian visas to be moved up to political level. Council: This type of visa is covered already by lines 404 and 436 (Visa Code). References to relocation and resettlement are problematic.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
406.	(b) ensuring the uniform application of the Union <i>acquis</i> on visas, including the further development and modernisation of the common policy on visas;	(b) ensuring the uniform application of the Union <i>acquis</i> on visas, including the further development and modernisation of the common policy on visas;	(b) ensuring the uniform application of the Union <i>acquis</i> on visas, including the further development and modernisation of the common policy on visas;	(b) ensuring the uniform application of the Union <i>acquis</i> on visas, including the further development and modernisation of the common policy on visas;
407.	(c) developing different forms of cooperation between Member States in visa processing;	(c) developing different forms of cooperation between Member States in visa processing;	(c) developing different forms of cooperation between Member States in visa processing;	(c) developing different forms of cooperation between Member States in visa processing;
408.	(d) setting up, operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure.	(d) setting up updating , operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure.	(d) setting up, operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure.	T→P Discussed at trilogue 28 October: Linked with line 400 <u>EP's compromise proposal</u> (d) setting up updating, operating and maintaining the Visa Information System (VIS) as well as its large-scale IT systems in the area of the common policy on visas, including the interoperability with other large-scale between these IT systems and their communication infrastructure. Council counter proposal: "d) setting up, operating and maintaining large-scale IT systems according to Union law in the

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				area of the common policy on visas, including the interoperability of these IT systems and their communication infrastructure, and actions to enhance data quality and the provision of information;” Further discussions needed at technical level.
409.	ANNEX III Scope of support	ANNEX III Scope of support	ANNEX III <i>List of indicative actions to be supported by the Instrument in line with Article 4</i> Scope of support	T→P (link to art 4) COM to reflect on an appropriate horizontal title Issue of “indicative actions” not agreed upon
410.	1. Within the specific objective referred to in Article 3(2)(a), the instrument shall in particular support the following:	1. Within the specific objective referred to in Article 3(2)(a), the instrument shall in particular support the following:	1. Within the specific objective referred to in Article 3(2)(a), the instrument shall in particular support <i>actions such as the following</i> :	T→P (H) Council aims for more open ended list. EP prefers clearer guidance to Member States.
411.	(a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, illegal immigration	(a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, illegal irregular immigration and cross-border crime	(a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, illegal immigration and cross-border crime at the external	P COM: regarding EP AM, referrals should be in the context of border control EP: First element of European integrated border management

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	and cross-border crime at the external borders, as well as to guarantee the smooth flows of legitimate travellers;	at the external borders, as well as to guarantee the smooth flows of legitimate travellers <i>and the effective management of migration flows, including measures related to the referral of persons who are in need of, or wish to apply for, international protection while always ensuring a dignified treatment of the persons concerned;</i>	borders, as well as to guarantee the smooth flows of legitimate travellers;	“border control ... including measures related to the referral of persons who are in need of, or wish to apply for, international protection COM services' proposal for compromise text: a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points; <i>Note: The deleted text is to a great extent covered by the implementation measure in Annex II (1)(a)(i) (see above) that states the purpose of the investments, therefore there is no need to expand on it in this provision. Moreover, repetition may cause confusion and lack of legal clarity.</i> EP and Council to check internally (positive scrutiny)
412.	(b) operating equipment, including means of transport, and communication systems required for effective and secure border control, in accordance with standards developed by the	(b) operating equipment, including means of transport, and communication systems required for effective and secure border control, in accordance with standards developed by the European Border	(b) operating equipment, including means of transport, and communication systems, services and rehabilitation and refurbishment of buildings required for effective and secure border control at border	T→P COM+EP do not agree with the deletion of standards. Techn. meeting 02.03.:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	European Border and Coast Guard Agency, where such standards exist;	and Coast Guard Agency, where such standards exist;	<i>crossing points, in hotspot areas and for border surveillance</i> , in accordance with standards developed by the European Border and Coast Guard Agency, where such standards exist;	COM: amendment not necessary Council to revert on the necessity of amendments, in particular to confirm whether the first part of the amendments can be included under point a).
413.	(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs and risk analysis and in full compliance with fundamental rights;	(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs, and risk analysis and <i>challenges identified in country-specific recommendations all</i> in full compliance with fundamental rights;	(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs and risk analysis and in full compliance with fundamental rights;	T Techn. meeting 18.09: EP and Council agreed to COM's compromise: “(c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs and risk analysis, including challenges identified in the recommendations mentioned in Article 12(5), in full compliance with fundamental rights;”
414.	(d) secondment of joint liaison officers to third countries as defined in Regulation (EU) No .../ ... [new ILO Regulation] ¹⁷⁰ and secondment of border guards and other	(d) secondment of joint liaison officers to third countries as defined in Regulation (EU) No .../ ... [new ILO Regulation] and secondment of border guards and other relevant experts to Member States or from a	(d) secondment of joint liaison officers to third countries as defined in Regulation (EU) No .../ ... [new ILO Regulation] ¹⁷¹ and secondment of border guards and other relevant experts to Member States or from a	(d) secondment of joint liaison officers to third countries as defined in Regulation (EU) No .../ ... [new ILO Regulation] ¹⁷² <i>No 2019/1240</i> ¹⁷³ and secondment

¹⁷⁰ OJ L [...], [...]. p.

¹⁷¹ OJ L [...], [...]. p.

¹⁷² OJ L [...], [...]. p.

¹⁷³ OJ L 198, 25-7-2019, p. 88.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	relevant experts to Member States or from a Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;	Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;	Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;	of border guards and other relevant experts to Member States or from a Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;
415.	(e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common capacity-building, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States;	(e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common capacity-building capacity building , joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States, <i>as well as measures related to the referral of persons who are in need of, or wish to apply for, international protection</i> ;	(e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common capacity-building, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States;	T Council to check and come back. Council proposed to review all references to referral integrally. EP agreed.
416.	(f) actions developing innovative methods or deploying new technologies with a	(f) actions developing innovative methods or deploying new technologies with a potential for	(f) actions developing innovative methods or deploying new technologies with a potential for	Agreed at trilogue on 28 October

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	potential for transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 37 of Regulation (EU) 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard;	transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 37 of Regulation (EU) 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard. <i>Innovative methods and new technologies of this type shall be fully in accordance with fundamental rights and the right to protection of personal data;</i>	transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 66 37 of Regulation (EU) .../2019 [EBCG] 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard;	EP drops its amendment but insists on reference in recital (see line 12) (f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 66 37 of Regulation (EU) .../2019 [EBCG] 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard;
417.	(g) preparatory, monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen <i>acquis</i> and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on-site visits as well as measures to	(g) preparatory <i>steps</i> , monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen <i>acquis</i> and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on site visits as well as measures to implement recommendations issued following	(g) preparatory, monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen <i>acquis</i> and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on-site visits as well as measures to implement recommendations issued following	T Techn. meeting 18.09 concerns 417+433: EP + Council agreed to revert to COM proposal.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	implement recommendations issued following vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) 2016/1624;	vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) 2016/1624;	vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) .../2019 [EBCG]/2016/1624;	
418.		<i>(ga) actions to enhance the quality of data stored in IT systems in the field of visa and borders and improve the exercise of a data subject's right to information, access to, rectification, erasure and restriction of data processing in the context of actions falling within the scope of this instrument;</i>		T→P Techn. meeting 18.09. concerning lines 418, 446, 530: EP and Council agreed to have the same text twice in 418 and 446, if necessary, slightly adjusted. Alignment of language and necessity of a third reference to clarify: New EP suggestion for lines 418, 446 and a possible additional line covering the visa policy objective: "actions to enhance the quality of data stored in IT systems and improve the exercise of a data subject's right to information, access to, rectification, erasure and restriction of data processing of his or her personal data".
419.	(h) identification, fingerprinting, registration, security checks, debriefing,	(h) identification, fingerprinting, registration, security checks, debriefing, provision of information,	(h) identification, fingerprinting, registration, security checks, debriefing, provision of information,	T Techn. meeting 18.09:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	provision of information, medical and vulnerability screening and, where necessary, medical care as well as referral of third country nationals to the appropriate procedure at the external borders, in particular in hotspot areas;	medical and vulnerability screening and, where necessary, medical care as well as referral, <i>where applicable</i> , of third country nationals to the appropriate <i>asylum</i> procedure at the external borders, in particular in hotspot areas ;	medical and vulnerability screening and, where necessary, medical care as well as referral of third-country nationals to the appropriate procedure at the external borders, in particular in hotspot areas;	EP and Council agreed to revert to the original COM proposal. However, EP made a request to review the reference to hotspots (whether appropriate) after the proposal for a new migration pact has been submitted.
420.	(i) actions aimed at enhancing awareness of external border policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;	(i) actions aimed at enhancing awareness of external border policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;	(i) actions aimed at enhancing awareness of external border policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;	(i) actions aimed at enhancing awareness of external border policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;
421.	(j) development of statistical tools, methods and indicators;	(j) development of statistical tools, methods and indicators with due regard for the principle of non-discrimination ;	(j) development of statistical tools, methods and indicators;	Agreed at trilogue on 28 October (j) development of statistical tools, methods and indicators observing the principle of non-discrimination ;
422.	(k) operating support for the implementation of European integrated border management.	(k) operating support for the implementation of European integrated border management.	(k) operating support for the implementation of European integrated border management-;	(k) operating support for the implementation of European integrated border management-;
423.		<i>(ka) the exchange of best practices and expertise, including with regard to the protection of fundamental rights in the context of the different components of border</i>		T→P Techn meeting 18-09:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>control and, in particular with regards to the identification, immediate assistance and referral to protection services of vulnerable persons;</i>		EP: Could be incorporated into line 415 to ensure the exchange of best practices. COM is requested to submit a proposal.
424.		<i>(kb) measures for the development, monitoring and evaluation of policies and procedures, including the application of common statistical tools, methods and indicators for measuring progress and assessing policy developments.</i>		T→P Merged with 421
425.			<i>(l) actions, equipment and surveillance means necessary for the implementation of Regulation 1052/2013.</i>	T→P Techn. meeting 18.09. concerning 425+563: Council and EP agreed to COMs proposal on a new insertion in line 563 and the deletion of line 425 “005 Actions supporting the development and operation of EUROSUR”
426.	2. Within the specific objective referred to in Article 3(2)(b), the instrument shall in particular support the following:	2. Within the specific objective referred to in Article 3(2)(b), the instrument shall in particular support the following:	2. Within the specific objective referred to in Article 3(2)(b), the instrument shall in particular support <i>actions such as the following:</i>	T→P, H (linked to art 4) Related to issue on line 410.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
427.	(a) infrastructures and buildings required for the processing of visa applications and consular cooperation, including security measures, as well as other actions aimed at improving the quality of service for visa applicants;	(a) infrastructures and buildings required for the processing of visa applications and consular cooperation, including security measures, as well as other actions aimed at improving the quality of service for visa applicants;	(a) infrastructures and buildings required for the processing of visa applications and consular cooperation, including security measures, as well as other actions aimed at improving the quality of service for visa applicants;	(a) infrastructures and buildings required for the processing of visa applications and consular cooperation, including security measures, as well as other actions aimed at improving the quality of service for visa applicants;
428.	(b) operating equipment and communication systems required for the processing of visa applications and consular cooperation;	(b) operating equipment and communication systems required for the processing of visa applications and consular cooperation;	(b) operating equipment and communication systems required for the processing of visa applications and consular cooperation;	T Subject to agreement on the use of terminology (IT, ICT...) EP+COM maintains that referring only to systems is too broad.
429.	(c) training of consular and other staff contributing to the common visa policy and consular cooperation;	(c) training of consular and other staff contributing to the common visa policy and consular cooperation, <i>including, where appropriate, compliance with fundamental rights</i> ;	(c) training of consular and other staff contributing to the common visa policy and consular cooperation;	Agreed at trilogue 28/10 (c) training of consular and other staff contributing to the common visa policy and consular cooperation;
430.	(d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives;	(d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives, <i>including for the purpose of protecting fundamental rights as regards the identification, the provision of immediate assistance to, and the referral to</i>	(d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives;	Agreed at trilogue 28/10 (d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives;

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
		<i>protection services of, vulnerable persons;</i>		
431.	(e) studies, pilot projects and other relevant actions, such as actions aimed at improving knowledge through analyses, monitoring and evaluation;	(e) studies, pilot projects and other relevant actions, such as actions aimed at improving knowledge through analyses, monitoring and evaluation;	(e) studies, pilot projects and other relevant actions, such as actions aimed at improving knowledge through analyses, monitoring and evaluation;	(e) studies, pilot projects and other relevant actions, such as actions aimed at improving knowledge through analyses, monitoring and evaluation;
432.	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;
433.	(g) preparatory, monitoring, administrative and technical activities, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen <i>acquis</i> , including mission expenditure for experts of the Commission and the Member States participating in on-site visits;	(g) preparatory <i>steps</i> , monitoring, administrative and technical activities, including <i>those intended</i> to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen <i>acquis</i> , including mission expenditure for experts of the Commission and the Member States participating in on-site visits;	(g) preparatory, monitoring, administrative and technical activities, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen <i>acquis</i> , including mission expenditure for experts of the Commission and the Member States participating in on-site visits;	T Tcal mtg 18.09: EP + Council agreed to revert to COM proposal.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
434.	(h) awareness-raising activities on visa policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;	(h) awareness-raising activities on visa policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;	(h) awareness-raising activities on visa policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;	(h) awareness-raising activities on visa policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;
435.	(i) development of statistical tools, methods and indicators;	(i) development of statistical tools, methods and indicators, observing the principle of non-discrimination and the right to protection of personal data;	(i) development of statistical tools, methods and indicators;	T Agreed at trilogue on 28 October (i) development of statistical tools, methods and indicators observing the principle of non-discrimination;
436.	(j) operating support for the implementation of the common visa policy.	(j) operating support for the implementation of the common visa policy with due regard for the principle of non-discrimination;	(j) operating support for the implementation of the common visa policy.	Agreed at trilogue 28/10 (j) operating support for the implementation of the common visa policy.
437.		<i>(ja) supporting Member States in issuing visas, including visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and in complying, in full, with the Union acquis on visas.</i>		T→P Tcal mtg 12.10: Batch on humanitarian visas to be moved up to political level. Council: This type of visa is covered already by lines 404 and 436 (Visa Code). References to relocation and resettlement are problematic.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
438.	3. Within the policy objective referred to in Article 3(1), the instrument shall in particular support the following:	3. Within the policy objective referred to in Article 3(1), the instrument shall in particular support the following:	3. Within the policy objective referred to in Article 3(1), the instrument shall in particular support <i>actions such as</i> the following:	T→P if needed, H
439.	(a) infrastructures and buildings required for the hosting of large-scale IT systems and associated communication infrastructure components;	(a) infrastructures and buildings required for the hosting of large-scale IT systems and associated communication infrastructure components;	(a) infrastructures and buildings required for the hosting of large-scale IT systems and associated communication infrastructure components;	(a) infrastructures and buildings required for the hosting of large-scale IT systems and associated communication infrastructure components;
440.	(b) equipment and communication systems necessary to ensure the proper functioning of large-scale IT systems;	(b) equipment and communication systems necessary to ensure the proper functioning of large-scale IT systems;	(b) equipment and communication systems necessary to ensure the proper functioning of large-scale IT systems;	(b) equipment and communication systems necessary to ensure the proper functioning of large-scale IT systems;
441.	(c) training and communication activities in relation to large-scale IT systems;	(c) training and communication activities in relation to large-scale IT systems;	(c) training and communication activities in relation to large-scale IT systems;	(c) training and communication activities in relation to large-scale IT systems;
442.	(d) development and upgrading of large-scale IT systems;	(d) development and upgrading of large-scale IT systems;	(d) development and upgrading of large-scale IT systems;	(d) development and upgrading of large-scale IT systems;
443.	(e) studies, proof of concepts, pilot projects and other relevant actions related to the implementation of large-scale IT systems including their interoperability;	(e) studies, proof of concepts, pilot projects and other relevant actions related to the implementation of large-scale IT systems including their interoperability;	(e) studies, proof of concepts, pilot projects and other relevant actions related to the implementation of large-scale IT systems including their interoperability;	(e) studies, proof of concepts, pilot projects and other relevant actions related to the implementation of large-scale IT systems including their interoperability;

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
444.	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;	(f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;
445.	(g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders;	(g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders <i>observing the principle of non-discrimination and the right to protection of personal data;</i>	(g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders;	Agreed at trilogue on 28 October (g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders <i>observing the principle of non-discrimination;</i>
446.		<i>(ga) actions to enhance data quality and the exercise of a data subject's right to information, access to, rectification, erasure and restriction of processing of his or her personal data;</i>		T→P Techn meeting 18.09: See line 418. Same wording in 418 and 446: "actions to enhance the quality of data stored in IT systems and improve the exercise of a data subject's right to information, access to, rectification, erasure and restriction of data processing of his or her personal data".

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
447.	(h) operating support for the implementation of large-scale IT systems.	(h) operating support for the implementation of large-scale IT systems.	(h) operating support for the implementation of large-scale IT systems.	(h) operating support for the implementation of large-scale IT systems.
448.	ANNEX IV Actions eligible for higher co-financing in line with Article 11(3) and Article 12(14)	ANNEX IV Actions eligible for higher co-financing in line with Article 11(3) and Article 12(14)	ANNEX IV Actions eligible for higher co-financing in line with Article 11(3) and Article 12(14)	T→P if needed EP + COM want to keep the reference to Art. 12(4)
449.	(1) Purchasing of operating equipment through joint procurement schemes with the European Border and Coast Guard Agency, to be put at the disposal of the European Border and Coast Guard Agency for its operational activities in line with Article 39(14) of Regulation (EU) No 2016/1624.	(1) Purchasing of operating equipment through joint procurement schemes with the European Border and Coast Guard Agency, to be put at the disposal of the European Border and Coast Guard Agency for its operational activities in line with Article 39(14) of Regulation (EU) No 2016/1624.	(1) Purchasing of operating equipment through joint procurement schemes with the European Border and Coast Guard Agency, to be put at the disposal of the European Border and Coast Guard Agency for its operational activities in line with Article 64(14) 39(14) of Regulation (EU) .../2019 [EBCG] 2016/1624.	(1) Purchasing of operating equipment through joint procurement schemes with the European Border and Coast Guard Agency, to be put at the disposal of the European Border and Coast Guard Agency for its operational activities in line with Article 39 64(14) of Regulation (EU) 2016/1624 2019/1896 .
450.	(2) Measures supporting inter-agency cooperation between a Member State and a neighbouring third country with which the EU shares a common land or maritime border.	(2) Measures supporting inter-agency cooperation between a Member State and a neighbouring third country with which the EU shares a common land or maritime border.	(2) Measures supporting inter-agency cooperation between a Member State and a neighbouring third country with which the EU shares a common land or maritime border.	(2) Measures supporting inter-agency cooperation between a Member State and a neighbouring third country with which the EU shares a common land or maritime border.
451.	(3) Further development of the European Border and Coast Guard, through common capacity building, joint procurement, establishment of common standards and any other	(3) Further development of the European Border and Coast Guard, through Developing common capacity building, joint procurement, establishment of common standards and any other measures streamlining	(3) Further development of the European Border and Coast Guard, through common capacity building, joint procurement, establishment of common standards and any other measures streamlining the	T Technical meeting 9.07: COM will propose a new drafting.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency, as outlined in paragraph 1(b) of Annex II.	the cooperation and coordination between the <i>among</i> Member States and with a view to the further development of the European Border and Coast Guard Agency, as outlined in paragraph 1(b) of Annex II.	cooperation and coordination between the Member States and the European Border and Coast Guard Agency, as outlined in paragraph 1(b) of Annex II.	To be aligned to line 397 where the institutions in principle agree that the Agency should not be funded through this instrument.
452.	(4) Joint deployment of immigration liaison officers as referred to in Annex III.	(4) Joint deployment of immigration liaison officers as referred to in Annex III.	(4) Joint deployment of immigration liaison officers as referred to in Annex III.	(4) Joint deployment of immigration liaison officers as referred to in Annex III.
453.	(5) Measures enhancing the identification of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control.	(5) Measures enhancing the identification <i>and support</i> of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control, <i>including by developing and supporting protection and referral mechanisms.</i>	(5) Measures enhancing the identification of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control.	T→P if needed Techn meeting 18.09 on lines 453, 454, 456: EP indicated that it could accept the COM proposal to merge lines 453 and 456. However, line 454 should be maintained. The CNS is to come back on this point. Council's drafting suggestion: "(5) Measures within the framework of border control enhancing the identification of and the immediate support to vulnerable persons, including unaccompanied minors and victims of trafficking in human beings, as well as developing and supporting adequate referral mechanisms for these target

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
				groups and measures in the framework of border control enhancing cross-border cooperation for detecting traffickers." <i>Note: The drafting suggestion merges lines 453, 454 and 456, building on the last compromise proposal.</i> <i>COM services' proposal for compromise text (lines 453 and 456 merged):</i> 5. Measures in the framework of border control enhancing the identification of and the immediate support to vulnerable persons, including victims of trafficking in human beings, as well as developing and supporting adequate referral mechanisms for these target groups; and measures in the framework of border control enhancing cross-border cooperation for detecting traffickers.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
454.		<i>(5a) Developing integrated child protection systems at the external borders and policies for children in migration generally, including through sufficient training of staff and exchange of good practice among Member States.</i>		T→P Council to check internally. If adopted the text to be aligned to EBCG language
455.	(6) Measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III.	(6) Measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III <i>to enhance the quality of data stored in IT systems in the field of visa and borders and to improve the exercise of a data subject's right to information, access to, rectification, erasure and restriction of data processing in the context of actions falling within the scope of this instrument.</i>	(6) Measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III.	T→P EP to check "follow-up measure". Council to check EP addition. For political discussion.
456.		<i>(6a) Measures targeting the identification, immediate assistance and referral to protection services of vulnerable persons.</i>		T→P if needed Merged with 453
457.	(7) Measures for setting up and running hotspot areas in Member States facing existing or potential exceptional and	(7) Measures for setting up and running hotspot areas in Member States facing existing or potential	(7) Measures for setting up and running hotspot areas in Member States facing existing or potential	(7) Measures for setting up and running hotspot areas in Member States facing existing or potential exceptional and

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	disproportionate migratory pressure.	exceptional and disproportionate migratory pressure.	exceptional and disproportionate migratory pressure.	disproportionate migratory pressure.
458.	(8) Further developing forms of cooperation among Member States in visa processing, as outlined in paragraph 2(c) of Annex II.	(8) Further developing forms of cooperation among Member States in visa processing, as outlined in paragraph 2(c) of Annex II.	(8) Further developing forms of cooperation among Member States in visa processing, as outlined in paragraph 2(c) of Annex II.	(8) Further developing forms of cooperation among Member States in visa processing, as outlined in paragraph 2(c) of Annex II.
459.	(9) Increasing the consular presence or representation of Member States in visa-required countries, in particular in countries where no Member State is currently present.	(9) Increasing the consular presence or representation of Member States in visa-required countries, in particular in countries where no Member State is currently present.	(9) Increasing the consular presence or representation of Member States in visa-required countries, in particular in countries where no Member State is currently present.	(9) Increasing the consular presence or representation of Member States in visa-required countries, in particular in countries where no Member State is currently present.
460.			<i>(10) Measures which aim at improving the interoperability of IT systems and communication networks.</i>	Trilogue 28 October EP agrees to the Council amendment. (10) Measures which aim at improving the interoperability of IT systems and communication networks.
461.	ANNEX V Core performance indicators referred to in Article 25(1)	ANNEX V Core performance indicators referred to in Article 25(1)	ANNEX V Core performance indicators referred to in Article 25(1)	Apart from point (a), T→P if needed for whole annex V Reflection on possible deletion of this Annex.
462.	(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European	(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as	(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as	P, T alignment

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows:	a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal irregular immigration and cross-border crime and to effectively manage migratory flows:	a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows:	
463.			1. Additional capacity of Automated border control gates and e-gates	T→P
464.			2. Enhanced operational capacity of the EBCG	T→P
465.			3. Number of persons using fraudulent travel documents detected at the border crossing points	T→P
466.			4. Number of addressed recommendations with financial implications from Schengen Evaluations and from vulnerability assessments in the area of border management	T→P
467.	(1) Number of irregular border crossings detected at the EU external borders a) between	(1) Number of irregular border crossings detected at the EU external borders a) between the border	(1) Number of irregular border crossings detected at the EU external borders a) between the border	T→P

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	the border crossing points; and b) at the border crossing points	crossing points; and b) at the border crossing points	crossing points; and b) at the border crossing points	
468.	<i>Data source: European Border and Coast Guard Agency</i>	<i>Data source: European Border and Coast Guard Agency</i>	<i>Data source: European Border and Coast Guard Agency</i>	T→P
469.	(2) Number of persons using fraudulent travel documents detected at the border crossing points	(2) Number of persons using fraudulent travel documents detected at the border crossing points	(2) Number of persons using fraudulent travel documents detected at the border crossing points	T→P
470.	<i>Data source: European Border and Coast Guard Agency</i>	<i>Data source: European Border and Coast Guard Agency</i>	<i>Data source: European Border and Coast Guard Agency</i>	T→P
471.		<i>(2a) Number of persons who have applied for international protection at the border crossing points</i>		T→P
472.		<i>Data source: Member States</i>		T→P
473.		<i>(2b) Number of persons refused entry</i>		T→P
474.		<i>Data source: Member States</i>		T→P
475.	(b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks:	(b) Specific objective 2: Supporting the common visa policy to <i>ensure a more harmonised approach among the Member States with regard to the issuance of visas</i> and to facilitate legitimate travel and prevent migratory and <i>mitigate</i> security risks:	(b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks:	T→P

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
476.			1. <i>Visa applications using digital means</i>	T→P
477.			2. <i>Enhanced cooperation between Member States in visa processing</i>	T→P
478.			3. <i>Number of addressed recommendations with financial implications from Schengen Evaluations in the area of the common visa policy</i>	T→P
479.	(1) Number of persons using fraudulent travel documents detected at consulates supported by the Fund	(1) Number of persons using fraudulent travel documents detected at consulates supported by the Fund	(1) Number of persons using fraudulent travel documents detected at consulates supported by the Fund	T→P
480.	<i>Data source: Member States¹⁷⁴</i>	<i>Data source: Member States</i>	<i>Data source: Member States¹⁷⁵</i>	T→P
481.		<i>(1a) Number of persons who have applied for international protection at Member States' consulates</i>		T→P

¹⁷⁴ Data for this indicator is collected by Member States through the Visa Information System (VIS) and may be accessed by the Commission in the future for the purposes of reporting and statistics, pending the negotiations on the proposal of the Commission for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA (COM(2018) 302 final of 16.05.2018).

¹⁷⁵ Data for this indicator is collected by Member States through the Visa Information System (VIS) and may be accessed by the Commission in the future for the purposes of reporting and statistics, pending the negotiations on the proposal of the Commission for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA (COM(2018) 302 final of 16.05.2018).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
482.		<i>Data source: Member States</i>		T→P
483.	(2) Average decision time (and trends) in the visa procedure	(2) Average decision time (and trends) in the visa procedure	(2) Average decision time (and trends) in the visa procedure	T→P
484.	<i>Data source: Member States</i> ¹⁷⁶	<i>Data source: Member States</i>	<i>Data source: Member States</i> ¹⁷⁷	
485.	ANNEX VI Types of intervention	ANNEX VI Types of intervention	ANNEX VI Types of intervention	T→P if needed for whole annex VI
486.	TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION	TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION	TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION	
487.	I. European integrated border management	I. European integrated border management	I. European integrated border management	
488.	001 Border checks	001 Border checks	001 Border checks	
489.	002 Border surveillance - air assets	002 Border surveillance - air assets	002 Border surveillance - air assets	
490.	003 Border surveillance - land assets	003 Border surveillance - land assets	003 Border surveillance - land assets	
491.	004 Border surveillance - maritime assets	004 Border surveillance - maritime assets	004 Border surveillance - maritime assets	

¹⁷⁶ Idem.

¹⁷⁷ Idem.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
492.	005 Border surveillance - automated border surveillance systems	005 Border surveillance - automated border surveillance systems	005 Border surveillance - automated border surveillance systems	
493.	006 Border surveillance - other measures	006 Border surveillance - other measures	006 Border surveillance - other measures	
494.	007 Technical and operational measures within the Schengen area which are related to border control	007 Technical and operational measures within the Schengen area which are related to border control	007 Technical and operational measures within the Schengen area which are related to border control	
495.	008 Situational awareness and exchange of information	008 Situational awareness and exchange of information	008 Situational awareness and exchange of information	
496.	009 Risk analysis	009 Risk analysis	009 Risk analysis	
497.	010 Processing of data and information	010 Processing of data and information	010 Processing of data and information	
498.	011 Hotspot areas	011 Hotspot areas	011 Hotspot areas	
499.		<i>011a Measures related to the identification and referral of vulnerable persons</i>		T→P if needed To be aligned to the operative part of the Regulation
500.		<i>011b Measures related to the identification and referral of persons who are in need of, or wish to apply for, international protection</i>		T→P if needed To be aligned to the operative part of the Regulation
501.	012 European Border and Coast Guard development	012 European Border and Coast Guard development	012 European Border and Coast Guard development	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
502.	013 Inter-agency cooperation - national level	013 Inter-agency cooperation - national level	013 Inter-agency cooperation - national level	
503.	014 Inter-agency cooperation - European Union level	014 Inter-agency cooperation - European Union level	014 Inter-agency cooperation - European Union level	
504.	015 Inter-agency cooperation - with third countries	015 Inter-agency cooperation - with third countries	015 Inter-agency cooperation - with third countries	
505.	016 Deployment of joint immigration liaison officers	016 Deployment of joint immigration liaison officers	016 Deployment of joint immigration liaison officers	
506.	017 Large-scale IT systems - Eurodac for border management purposes	017 Large-scale IT systems - Eurodac for border management purposes	017 Large-scale IT systems - Eurodac for border management purposes	
507.	018 Large-scale IT systems - Entry-exit System (EES)	018 Large-scale IT systems - Entry-exit System (EES)	018 Large-scale IT systems - Entry-exit System (EES)	
508.	019 Large-scale IT systems - European Travel Information and Authorisation System (ETIAS)	019 Large-scale IT systems - European Travel Information and Authorisation System (ETIAS)	019 Large-scale IT systems - European Travel Information and Authorisation System (ETIAS)	
509.	020 Large-scale IT systems - Schengen Information System (SISII)	020 Large-scale IT systems - Schengen Information System (SISII)	020 Large-scale IT systems - Schengen Information System (SISII)	
510.	021 Large-scale IT systems - Interoperability	021 Large-scale IT systems - Interoperability	021 Large-scale IT systems - Interoperability	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
511.	022 Operating support - Integrated border management	022 Operating support - Integrated border management	022 Operating support - Integrated border management	
512.	023 Operating support - Large-scale IT systems for border management purposes	023 Operating support - Large-scale IT systems for border management purposes	023 Operating support - Large-scale IT systems for border management purposes	
513.	024 Operating support - Special Transit Scheme	024 Operating support - Special Transit Scheme	024 Operating support - Special Transit Scheme	
514.	II. Common visa policy	II. Common visa policy	II. Common visa policy	
515.	001 Improving visa application processing	001 Improving visa application processing	001 Improving visa application processing	
516.	002 Enhancing the efficiency, client-friendly environment and security at consulates	002 Enhancing the efficiency, client-friendly environment and security at consulates	002 Enhancing the efficiency, client-friendly environment and security at consulates	
517.	003 Document security / document advisors	003 Document security / document advisors	003 Document security / document advisors	
518.	004 Consular cooperation	004 Consular cooperation	004 Consular cooperation	
519.	005 Consular coverage	005 Consular coverage	005 Consular coverage	
520.	006 Large-scale IT systems - Visa Information System (VIS)	006 Large-scale IT systems - Visa Information System (VIS)	006 Large-scale IT systems - Visa Information System (VIS)	
521.	007 Other IT systems for visa application processing purposes	007 Other IT systems for visa application processing purposes	007 Other IT systems for visa application processing purposes	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
522.	008 Operating support - Common visa policy	008 Operating support - Common visa policy	008 Operating support - Common visa policy	
523.	009 Operating support - Large-scale IT systems for visa application processing purposes	009 Operating support - Large-scale IT systems for visa application processing purposes	009 Operating support - Large-scale IT systems for visa application processing purposes	
524.	010 Operating support - Special Transit Scheme	010 Operating support - Special Transit Scheme	010 Operating support - Special Transit Scheme	
525.		010a Issuance of humanitarian visas		Depending on the outcome in line 437
526.	III. Technical assistance	III. Technical assistance	III. Technical assistance	
527.	001 Information and communication	001 Information and communication	001 Technical assistance Information and communication	T→P if needed Council to propose a redraft of lines 527, 528, 529 and 531
528.	002 Preparation, implementation, monitoring and control	002 Preparation, implementation, monitoring and control	002 Preparation, implementation, monitoring and control	T→P if needed
529.	003 Evaluation and studies, data collection	003 Evaluation and studies, data collection	003 Evaluation and studies, data collection	T→P if needed
530.		003a Data quality and data subjects' rights to information, access to, rectification, erasure and restriction of processing of their personal data		T→P Techn meeting 18.09. concerning 418, 446 + 530: See line 418 Place of line to be decided.

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
531.	004 Capacity building	004 Capacity building	004 Capacity building	T→P if needed
532.	TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION	TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION	TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION	
533.	001 infrastructures and buildings	001 infrastructures and buildings	001 infrastructures and buildings	
534.	002 means of transport	002 means of transport	002 means of transport	
535.	003 other operating equipment	003 other operating equipment	003 other operating equipment	
536.	004 communication systems	004 communication systems	004 communication systems	
537.	005 IT systems	005 IT systems	005 IT systems	
538.	006 training	006 training	006 training	
539.	007 exchange of best practices - between Member States	007 exchange of best practices - between Member States	007 exchange of best practices - between Member States	
540.	008 exchange of best practices - with third countries	008 exchange of best practices - with third countries	008 exchange of best practices - with third countries	
541.	009 deployment of experts	009 deployment of experts	009 deployment of experts	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
542.	010 studies, proofs of concept, pilot projects and similar actions	010 studies, proofs of concept, pilot projects and similar actions	010 studies, proofs of concept, pilot projects and similar actions	
543.	011 communication activities	011 communication activities	011 communication activities	
544.	012 development of statistical tools, methods and indicators	012 development of statistical tools, methods and indicators	012 development of statistical tools, methods and indicators	
545.	013 deployment or other follow-up of research projects	013 deployment or other follow-up of research projects	013 deployment or other follow-up of research projects	
546.	TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION	TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION	TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION	EP to reflect internally on the split of tables 3 and 4 and revert
547.			<i>001 Actions as per Art. 11(1)</i>	T→P if needed
548.			<i>002 Specific actions</i>	T→P if needed
549.			<i>003 Actions listed in Annex IV</i>	T→P if needed
550.			<i>004 Operating support</i>	T→P if needed
551.			<i>005 Emergency assistance</i>	T→P if needed
552.	001 Specific action	001 Specific action	001 Specific action	T→P if needed
553.	002 Emergency assistance	002 Emergency assistance	002 Emergency assistance	T→P if needed

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
554.	003 Actions listed in Annex IV	003 Actions listed in Annex IV	003 Actions listed in Annex IV	T→P if needed
555.	004 Implementation of Schengen evaluation recommendations	004 Implementation of Schengen evaluation recommendations	004 Implementation of Schengen evaluation recommendations	T→P if needed
556.	005 Implementation of vulnerability assessment recommendations	005 Implementation of vulnerability assessment recommendations	005 Implementation of vulnerability assessment recommendations	T→P if needed
557.	006 Cooperation with third countries	006 Cooperation with third countries	006 Cooperation with third countries	T→P if needed
558.	007 Actions in third countries	007 Actions in third countries	007 Actions in third countries	T→P if needed
559.			TABLE 4: CODES FOR SECONDARY IMPLEMENTATION DIMENSION	T→P if needed
560.			001 Cooperation with third countries	T→P if needed
561.			002 Actions in third countries	T→P if needed
562.			003 Implementation of Schengen evaluation recommendations	T→P if needed

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
563.			004 <i>Implementation of vulnerability assessment recommendations</i>	T→P if needed 004 Implementation of vulnerability assessment recommendations 005 Actions supporting the development and operation of EUROSUR <i>Note: The Council supports COM's addition of a new item on Eurosur in Annex VI (see also line 425). The Council suggests the addition in table 4 as table 3 mirrors the co-financing types included in Article 11.</i>
564.	ANNEX VII Eligible actions for operating support	ANNEX VII Eligible actions for operating support	ANNEX VII Eligible actions for operating support	
565.	(a) Within the specific objective set out in Article 3(2)(a), operating support shall cover the following costs on the condition that they are not being covered by the European Border and Coast Guard Agency in the context of its operational activities:	(a) Within the specific objective set out in Article 3(2)(a), operating support shall cover the following costs on the condition that they are not being covered by the European Border and Coast Guard Agency in the context of its operational activities:	(a) Within the specific objective set out in Article 3(2)(a), operating support shall cover the following costs on the condition that they are not being covered by the European Border and Coast Guard Agency in the context of its operational activities:	(a) Within the specific objective set out in Article 3(2)(a), operating support shall cover the following costs on the condition that they are not being covered by the European Border and Coast Guard Agency in the context of its operational activities:

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
566.	(1) staff costs;	(1) staff costs;	(1) staff costs, <i>including for training</i> ;	P EP and COM oppose the addition
567.	(2) maintenance or repair of equipment and infrastructure;	(2) maintenance or repair of equipment and infrastructure;	(2) maintenance or repair of equipment and infrastructure <i>including buildings and access roads</i> ;	P EP and COM oppose the addition
568.	(3) service costs, including at hotspot areas within the scope of this Regulation;	(3) service costs, including at hotspot areas within the scope of this Regulation;	(3) service costs, including at hotspot areas within the scope of this Regulation;	P
569.	(4) running costs on operations.	(4) running costs on operations.	(4) running costs on operations;-	P
570.			(5) <i>costs related to real estate, including rental and depreciation.</i>	P EP and COM oppose the addition
571.	A host Member State in the meaning of Article 2(5) of Regulation (EU) No 1624/2016 ¹⁷⁸ may use operating support to cover its own running costs for its participation in the operational activities referred to in Article 2(5) of Regulation (EU) No 1624/2016 and falling within the scope of this Regulation or for the purposes	A host Member State in the meaning of Article 2(5) of Regulation (EU) No 1624/2016 ¹⁷⁹ may use operating support to cover its own running costs for its participation in the operational activities referred to in Article 2(5) of Regulation (EU) No 1624/2016 and falling within the scope of this Regulation or for the purposes of its national border control activities.	A host Member State in the meaning of Article 2(5) of Regulation (EU) No 1624/2016 ¹⁸⁰ may use operating support to cover its own running costs for its participation in the operational activities referred to in Article 2(5) of Regulation (EU) No 1624/2016 and falling within the scope of this Regulation or for the purposes of its national border control activities.	A host Member State in the meaning of Article 2(5) of Regulation (EU) No 1624/2016 ¹⁸¹ may use operating support to cover its own running costs for its participation in the operational activities referred to in Article 2(5) of Regulation (EU) No 1624/2016 and falling within the scope of this Regulation or for the purposes of

¹⁷⁸ Regulation (EU) 1624/2016 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p.1).

¹⁷⁹ Regulation (EU) 1624/2016 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p.1).

¹⁸⁰ Regulation (EU) 1624/2016 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p.1).

¹⁸¹ Regulation (EU) 1624/2016 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p.1).

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	of its national border control activities.			its national border control activities.
572.	(b) Within the specific objective specific objective set out in Article 3(2)(b), operating support shall cover:	(b) Within the specific objective specific objective set out in Article 3(2)(b), operating support shall cover:	(b) Within the specific objective specific objective set out in Article 3(2)(b), operating support shall cover:	(b) Within the specific objective specific objective set out in Article 3(2)(b), operating support shall cover:
573.	(1) staff costs, including for training;	(1) staff costs, including for training;	(1) staff costs, including for training;	(1) staff costs, including for training;
574.	(2) service costs;	(2) service costs;	(2) service costs;	(2) service costs;
575.	(3) maintenance or repair of equipment and infrastructure;	(3) maintenance or repair of equipment and infrastructure;	(3) maintenance or repair of equipment and infrastructure;	(3) maintenance or repair of equipment and infrastructure;
576.	(4) costs related to real estate, including rental and depreciation.	(4) costs related to real estate, including rental and depreciation.	(4) costs related to real estate, including rental and depreciation.	(4) costs related to real estate, including rental and depreciation.
577.	(c) Within the policy objective set out in Article 3(1), operating support shall cover:	(c) Within the policy objective set out in Article 3(1), operating support shall cover:	(c) Within the policy objective set out in Article 3(1), operating support <i>for large-scale IT systems</i> shall cover:	COM supports the addition Trilogue 28 October EP agrees to the Council's amendment. (c) Within the policy objective set out in Article 3(1), operating support <i>for large-scale IT systems</i> shall cover:
578.	(1) staff costs, including for training;	(1) staff costs, including for training;	(1) staff costs, including for training;	(1) staff costs, including for training;

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
579.	(2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of these systems and rental of secure premises.	(2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of these systems and rental of secure premises.	(2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of these systems and rental of secure premises.	(2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of these systems and rental of secure premises.
580.	(d) In addition to the above, operating support within the programme for Lithuania shall provide support in line with paragraph 1 of Article 16.	(d) In addition to the above, operating support within the programme for Lithuania shall provide support in line with paragraph 1 of Article 16.	(d) In addition to the above, operating support within the programme for Lithuania shall provide support in line with paragraph 1 of Article 16.	(d) In addition to the above, operating support within the programme for Lithuania shall provide support in line with paragraph 1 of Article 16.
581.	ANNEX VIII Output and result indicators referred to in Article 25(3)	ANNEX VIII Output and result indicators referred to in Article 25(3)	ANNEX VIII Output and result indicators referred to in Article 25(3)	Discussion on indicators Whole annex (except subparagraph (a)) T→P if needed
582.	(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-	(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal irregular immigration and cross-border crime and to effectively manage migratory flows;	(a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows:	P

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	border crime and to effectively manage migratory flows;			
583.			<i>Output indicators</i>	EP to revert afterwards
584.			<i>1. Number of items of equipment purchased for border crossing points</i>	
585.			<i>1.1 of which number of Automated Border Control gates, self-service systems and e-gates purchased</i>	
586.			<i>2. Number of facilities for border crossing points constructed / upgraded</i>	
587.			<i>3. Number of aerial vehicles purchased</i>	
588.			<i>3.1 of which number of unmanned aerial vehicles purchased</i>	
589.			<i>4. Number of maritime transport means purchased</i>	
590.			<i>5. Number of land transport means purchased</i>	
591.			<i>6. Number of staff dealing with border management</i>	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
592.			7. <i>Number of joint liaison officers deployed to third countries</i>	
593.			8. <i>Number of participants in training activities</i>	
594.			9. <i>Number of IT functionalities developed / maintained / upgraded</i>	
595.			10. <i>Number of cooperation projects with Third Countries</i>	
596.			<i>Result indicators</i>	
597.			1. <i>Number of items of equipment registered in the Technical Equipment Pool of the European Border and Coast Guard Agency</i>	
598.			2. <i>Number of items of equipment put at the disposal of the European Border and Coast Guard Agency</i>	
599.			3. <i>Number of initiated / improved forms of cooperation of national authorities with the Eurosur National Coordination Centre (NCC)</i>	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
600.			4. <i>Number of border crossings through Automated Border Control gates and e-gates</i>	
601.			5. <i>Number of addressed recommendations with financial implications from Schengen Evaluations and from vulnerability assessments in the area of border management</i>	
602.			6. <i>Number of EU large-scale IT systems developed / maintained / upgraded</i>	
603.	(1) Border control infrastructure, transport means and other equipment items financed with the support of the instrument:	(1) Border control infrastructure, transport means and other equipment items financed with the support of the instrument:	(1) Border control infrastructure, transport means and other equipment items financed with the support of the instrument:	
604.	- number of newly built or upgraded border crossing points out of the total number of newly built or upgraded border crossing points in the Member State concerned;	- number of newly built or upgraded border crossing points out of the total number of newly built or upgraded border crossing points in the Member State concerned;	number of newly built or upgraded border crossing points out of the total number of newly built or upgraded border crossing points in the Member State concerned;	
605.	- number of Automated Border Control gates;	- number of Automated Border Control gates;	number of Automated Border Control gates;	
606.	- number of air transport means;	- number of air transport means;	number of air transport means;	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
607.	- number of maritime transport means;	- number of maritime transport means;	—— number of maritime transport means;	
608.	- number of land transport means;	- number of land transport means;	—— number of land transport means;	
609.	- number of items of equipment put at the disposal of the European Border and Coast Guard Agency;	- number of items of equipment put at the disposal of the European Border and Coast Guard Agency;	—— number of items of equipment put at the disposal of the European Border and Coast Guard Agency;	
610.	- number of other items of equipment, out of which the number of items of equipment for setting up, upgrading or maintaining hotspot areas for the purposes of this Regulation;	- number of other items of equipment, out of which the number of items of equipment for setting up, upgrading or maintaining hotspot areas for the purposes of this Regulation;	—— number of other items of equipment, out of which the number of items of equipment for setting up, upgrading or maintaining hotspot areas for the purposes of this Regulation;	
611.	- number of multipurpose items of equipment supported by the instrument.	- number of multipurpose items of equipment supported by the instrument.	—— number of multipurpose items of equipment supported by the instrument.	
612.	(2) Number of specialised posts in third countries supported by the instrument	(2) Number of specialised posts in third countries supported by the instrument	(2) —— Number of specialised posts in third countries supported by the instrument	
613.	- joint liaison officers, as referred to in Annex III;	- joint liaison officers, as referred to in Annex III;	—— joint liaison officers, as referred to in Annex III;	
614.	- other specialised posts related to border management.	- other specialised posts related to border management.	—— other specialised posts related to border management.	
615.	(3) Number of cooperation projects or cooperation streams	(3) Number of cooperation projects or cooperation streams set up	(3) —— Number of cooperation projects or cooperation streams set up	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	set up in Member States with the support of the instrument between the national authorities and the European Border and Coast Guard Agency contributing towards the development of the European Border and Coast Guard.	in Member States with the support of the instrument between the national authorities and the European Border and Coast Guard Agency contributing towards the development of the European Border and Coast Guard.	in Member States with the support of the instrument between the national authorities and the European Border and Coast Guard Agency contributing towards the development of the European Border and Coast Guard.	
616.	(4) Number of items of equipment used during the operational activities of the European Border and Coast Guard Agency purchased with support of the instrument out of the total number of items of equipment registered in the Technical Equipment Pool of the European Border and Coast Guard Agency.	(4) Number of items of equipment used during the operational activities of the European Border and Coast Guard Agency purchased with support of the instrument out of the total number of items of equipment registered in the Technical Equipment Pool of the European Border and Coast Guard Agency.	(4) — Number of items of equipment used during the operational activities of the European Border and Coast Guard Agency purchased with support of the instrument out of the total number of items of equipment registered in the Technical Equipment Pool of the European Border and Coast Guard Agency.	
617.	(5) Number of cooperation projects or cooperation streams of national agencies with the Eurosur National Coordination Centre (NCC) established with support of the instrument.	(5) Number of cooperation projects or cooperation streams of national agencies with the Eurosur National Coordination Centre (NCC) established with support of the instrument.	(5) — Number of cooperation projects or cooperation streams of national agencies with the Eurosur National Coordination Centre (NCC) established with support of the instrument.	
618.	(6) Number of staff trained in aspects related to the integrated border management with the support of the instrument.	(6) Number of staff trained in aspects related to the integrated border management with the support of the instrument.	(6) — Number of staff trained in aspects related to the integrated border management with the support of the instrument.	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
619.	(7) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:	(7) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:	(7) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:	
620.	- SISII;	- SISII;	—— SISII;	
621.	- ETIAS;	- ETIAS;	—— ETIAS;	
622.	- EES;	- EES;	—— EES;	
623.	- VIS for border management purposes;	- VIS for border management purposes;	—— VIS for border management purposes;	
624.	- Eurodac for border management purposes;	- Eurodac for border management purposes;	—— Eurodac for border management purposes;	
625.	- Number of connections of IT systems to the European Search Portal financed with the support of the instrument;	- Number of connections of IT systems to the European Search Portal financed with the support of the instrument;	—— Number of connections of IT systems to the European Search Portal financed with the support of the instrument;	
626.	- Any other large-scale IT systems within the scope of this Regulation.	- Any other large-scale IT systems within the scope of this Regulation.	—— Any other large-scale IT systems within the scope of this Regulation.	
627.	(8) Number of Schengen Evaluation recommendations in the area of borders and vulnerability assessment recommendations addressed with the support of the	(8) Number of Schengen Evaluation recommendations in the area of borders and vulnerability assessment recommendations addressed with the support of the instrument, out of the total number of	(8) Number of Schengen Evaluation recommendations in the area of borders and vulnerability assessment recommendations addressed with the support of the instrument, out of the total number of	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	instrument, out of the total number of recommendations having financial implication.	recommendations having financial implication.	recommendations having financial implication.	
628.	(b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks:	(b) Specific objective 2: Supporting the common visa policy to <i>ensure a more harmonised approach among the Member States with regard to the issuance of visas and to</i> facilitate legitimate travel and prevent migratory and <i>mitigate</i> security risks:	(b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks:	
629.			<i>Output indicators</i>	
630.			<i>1. Number of new/ upgraded consulates outside the Schengen area</i>	
631.			<i>2. Number of projects supporting the digitalisation of visa processing</i>	
632.			<i>3. Number of participants in training activities</i>	
633.			<i>4. Number of staff deployed to consulates in third countries</i>	
634.			<i>4.1 of which number of staff deployed for visa processing</i>	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
635.			<i>5. Number of IT functionalities developed / maintained / upgraded</i>	
636.			<i>Result indicators</i>	
637.			<i>1. Number of addressed recommendations with financial implications from Schengen Evaluations in the area of the common visa policy</i>	
638.			<i>2. Number of visa applicants applying through digital means</i>	
639.			<i>3. Number of initiated / improved forms of cooperation set up among Member States in visa processing</i>	
640.			<i>4. Number of EU large-scale IT systems developed / maintained / upgraded</i>	
641.			<i>Data source for all indicators is Member States</i>	
642.	(1) Number of consulates outside the Schengen area set up or upgraded with the support of the instrument out of the total number of consulates set up or	(1) Number of consulates outside the Schengen area set up or upgraded with the support of the instrument out of the total number of consulates set up or upgraded of the	(1) Number of consulates outside the Schengen area set up or upgraded with the support of the instrument out of the total number of consulates set up or upgraded of the	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
	upgraded of the Member State outside the Schengen area.	Member State outside the Schengen area.	Member State outside the Schengen area.	
643.	(2) Number of staff trained and number of training courses in aspects related to the common visa policy with the support of the instrument.	(2) Number of staff trained and number of training courses in aspects related to the common visa policy with the support of the instrument.	(2) — Number of staff trained and number of training courses in aspects related to the common visa policy with the support of the instrument.	
644.	(3) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:	(3) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:	(3) — Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:	
645.	- VIS;	- VIS;	— VIS;	
646.	- EES;	- EES;	— EES;	
647.	- Any other large-scale IT systems within the scope of this Regulation.	- Any other large-scale IT systems within the scope of this Regulation.	— Any other large-scale IT systems within the scope of this Regulation.	
648.	(4) Number of forms of cooperation among Member States in visa processing set up and upgraded with the support of the instrument:	(4) Number of forms of cooperation among Member States in visa processing set up and upgraded with the support of the instrument:	(4) — Number of forms of cooperation among Member States in visa processing set up and upgraded with the support of the instrument:	
649.	- co-locations;	- co-locations;	— co-locations;	
650.	- common application centres;	- common application centres;	— common application centres;	

	Commission proposal COM(2018) 473 final	EP amendments	Council position general approach	Compromise text
651.	- representations;	- representations;	— representations;	
652.	- others.	- others.	— others.	
653.	(5) Number of Schengen Evaluation recommendations in the area of the common visa policy implemented with the support of the instrument, as a share of the total number of recommendations having financial implications.	(5) Number of Schengen Evaluation recommendations in the area of the common visa policy implemented with the support of the instrument, as a share of the total number of recommendations having financial implications.	(5) Number of Schengen Evaluation recommendations in the area of the common visa policy implemented with the support of the instrument, as a share of the total number of recommendations having financial implications.	
654.	(6) Number of visa required countries where the number of Member States present or represented has increased with the support of the instrument.	(6) Number of visa required countries where the number of Member States present or represented has increased with the support of the instrument.	(6) Number of visa required countries where the number of Member States present or represented has increased with the support of the instrument.	