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WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	JHA Counsellors on Financial Instruments
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund - Compilation of replies

Delegations will find enclosed a compilation of replies to WK 12458/20 on the above proposal.

ANNEX

WRITTEN COMMENTS SUBMITTED BY THE MEMBER STATES

Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund

WK 12458/20

Table of contents

AUSTRIA

1. Budget

budget allocation (art. 7(2)(a), (2)(b), lines 156-159)

Reductions of ISF allocation should have lesser effects on the allocation of the National Programmes than on the allocation for the Thematic Facility

midterm review (art. 13(2)+(2a), lines 222-223)

AT supports Council position of the General Approach 10972/1/20 REV 1.

As a compromise AT can support the former para 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 the programme referred to in paragraph 1."*

AT strongly opposes to EP-amendment to increase the percentage up to 30%: reason: because of the later start of almost all programmes and the CoV situation in all MS, which influences the implementation of many actions, most of the MS would not be able to reach this high percentage.

financing agencies (Art. 17, line 255)

The latest information on results in this regard is ISF-4ct of 28.October 2020, WK 12400/2020:

- *"Trilogue 08/09/20 EP COMP drafting: Exceptionally, decentralised agencies may also be eligible for funding within the framework of Union actions when they assist in the implementation of Union actions falling within the agencies' competence and those actions are not covered by the Union contribution to the budget of the agencies through the annual budget. COM: EP COMP would be a good way forward CSL: good way forward; to check internally"*

AT can support this compromise text

2. External dimension of migration. Actions in/with third countries

cap on third country funding (art. 4(2a)(2b), lines 130/131)

AT opposes the reduction of the percentage to 2%

The percentage should be at least the same than in the current period – 8%!

external immigration management (art. 8(2)), line 168

AT supports Council position.

AT opposes EP´s amendment new para 2a + accompanying recital, which puts unnecessary consulting-obligations on programmes of the Thematic Facility; first the wording is too vague and secondly this will lead to further delays

3. Minimum level of expenditure

minimum percentages (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)

!AT strongly opposes to any minimum percentages! – RED LINE

4. Actions

standard equipment (art. 4(3)(b), line 134)

AT supports Council position to drop Art. 4 (3) (b).

Reason: to purchase or maintain so-called "standard equipment" is often a crucial element to implement a project – e.g. a mobile phone or a laptop or a vehicle is needed to implement the referred project because equipment like this is used for normal routine and not available for project purposes.

Compromise: if a reference to "except for project purposes only" is added, AT can support the amendment

non-eligible actions which should be eligible in emergency situations (art. 4(3), second sentence (line 139)

AT supports Council position, that all points should remain eligible in emergency situations.

But AT is willing to agree with EP-AM.

purchase of equipment (Art. 12, line 211)

AT agrees to ceiling of 30% - **excl.** ICT equipment

AT will not agree to include in this percentage ICT-equipment -> support Council position: "CSL: exclusion of ICT equipment from ceiling supports investment in this important area"

operating support (art. 15(2), line 231)

AT is willing to agree to a compromise – ceiling of 20% for operating support

5. Delegated Acts/Implementing Acts/Comitology

work programme for the thematic facility (art. 8(5), line 176; art. 28(2)(3)(5)(6), line 325, 326, 328, 329)

Ad Art. 8 (5), line 176:

AT supports Council position regarding = the examination procedure should apply

("Last sentence: "Those implementing acts shall be adopted in accordance with the ~~advisory~~ examination procedure referred to in Article 29(2)."")

AT is not in favour to support EP-AM regarding additional consulting obligation (same in my comment above to Art. 8 (2), line 168 - external immigration management)

[committee procedure (art. 29, lines 331-333)]

AT supports Council position respectively awaits further information by Legal Services

BULGARIA

1. Budget	
budget allocation (art. 7(2)(a), (2)(b), lines 156-159)	Bulgaria would like to confirm its support for the need of adequate funding for security area expressed during the discussions in the Council. Following the publication of Finland's presidency negotiating box and in view of the COREPER II discussions on 4 December 2019 Bulgaria has already stated its position for not supporting the envisaged cuts as regards ISF allocation (about 23 %) in comparison to the EC proposal having in mind that countering organized crime and terrorism is among the main priorities in the EU political agenda. We accepted the change in the proportion between shared management and thematic facility from 60/40 to 70/30 compared to the proposal of the EC as a compensation for the decrease of the funding for ISF. Bulgaria continues to consider that security threats are becoming more varied and increasingly cross-border in nature, which requires determined, complex and coordinated actions on EU level and by the national competent authorities. Being located at the EU external borders Bulgaria shares the responsibilities for securing the common external borders and tackling security threats. Adequate financial support is needed for increasing the exchange of information between the law enforcement authorities and between them and relevant EU Agencies, strengthening the operational cooperation and enhancing the capacity of the national competent structures. Establishment and maintenance of new and existing ICT systems and improvement of their interoperability as well as ensuring compatibility of national competent authorities technologies and capabilities will increase the effectiveness of the measures aimed at tackling the common security threats and in particular cross-border crime and terrorism.
2. External dimension of migration. Actions in/with third countries	
o external immigration management (art. 8(2))	We consider that the basic funding for external migration should be external instruments and that Home Affairs instruments should provide complementary support. Our position is that the dedicated component should be integrated in thematic facility which is reflected in the Council PGA.
3. Minimum level of expenditure	
o minimum percentages (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)	We would like to recall our position presented with our first observations on EP legislative resolution and repeated in the discussions within the Council working parties that we do not support the inclusion of minimum percentage of allocation from the Fund for each specific objective considering it as a limitation of the NP implementation and for its effectiveness. We continue to support the lack of obligation for minimum allocations of funding for each specific objectives as this enables MS to set the areas of support in compliance with their specific priorities and actual needs and to implement NP in more flexible way.

4. Actions	
o standard equipment (art. 4(3)(b), line 134)	Bulgaria would like to confirm its support for the deletion of the provision in Art. 4 (3) (b) as set in the ISF PGA. We maintain our opinion that the main criterion when assessing the eligibility of equipment/means of transport should be their relevance to the ISF objectives rather than their classification as “standard” or “not-standard/specialized”. We recall our position that purchase of equipment and standard means of transport could be relevant and substantial components for the implementation of measures contributing to all of the specific objectives set out in Art. 3 (2) and not only to the objective set out in Art. 3 (2) (c).
o purchase of equipment (Art. 12, line 211)	Bulgaria would like to confirm our position expressed during the discussions in the Council, that the purchase of equipment and means of transport or the construction of security-relevant facilities could be significant components of the activities contributing to achieving the ISF objectives. In order to effectively tackling cross-border crime and terrorism law enforcement authorities should be provided with the relevant, high quality, interoperable and state of the art technology and equipment. which is as follows: We would like to reconfirm our support for the text of Article 12 (4) as set in the ISF Council Partial General Approach of June 2019.
o operating support (art. 15(2), line 231)	We support ensuring adequate funding for Operating support in view of the envisaged development of security relevant IT systems and interoperability and in particular in terms of the improvements of SIS II in the field of police and judicial cooperation in criminal matters. We would like to confirm our position that we do not support the limitation for the operating support of 10 % of the amount allocated under the Fund to a Member State programme as per Commission proposal and of 20 % as per EP amendment. We are in favor of increasing the share of funding for operating support in Art. 15(2) (to 30%) as set in the ISF PGA.

CROATIA

1. Budget

- budget allocation (art. 7(2)(a), (2)(b), lines 156-159)
- midterm review (art. 13(2)+(2a), lines 222-223)
- financing agencies (Art. 17, line 255)

Line 255 – Regarding the new compromise proposal of the EP (08/09/20), on the financing of the decentralized agencies through "Union actions", in general we are against such option for them to be financed through ISF. However, we could be flexible in certain degree, namely to mention that this would be an exception and only in defined conditions, should this flexibility contribute to better position for the Council in the negotiations.

2. External dimension of migration. Actions in/with third countries

- cap on third country funding (art. 4(2a)(2b), lines 130/131)
- external immigration management (art. 8(2))

(Horizontaly.) We are supporting the maximum amount of flexibility.

3. Minimum level of expenditure

- minimum percentages (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)

(Horizontaly.) We cannot support minimum percentages as they are limiting the ability to use the funds and the flexibility for MS's to use the funds according to their needs and priorities. MS's cannot be forced to use a certain percentage of funds for the purpose they don't need. There shouldn't be such limitation in using the funds.

4. Actions

- recital on intelligence cooperation (line 104)

We can not support mentioning of Intelligence Services in the operative text nor in the recitals.

- standard equipment (art. 4(3)(b), line 134)

Financing of standard equipment should be justified in certain justified cases and in emergency situation.

- non-eligible actions which should be eligible in emergency situations (art. 4(3), second sentence (line 139)

We support the Council text but can accept the EP amendment as a compromise.

- purchase of equipment (Art. 12, line 211)

We support the Council position. The limitation shouldn't be applied to ICT.

- operating support (art. 15(2), line 231)

We support the Council position.

5. Delegated Acts/Implementing Acts/Comitology

- work programme for the thematic facility (art. 8(5), line 176; art. 28(2)(3)(5)(6), line 325, 326, 328, 329)
- [committee procedure (art. 29, lines 331-333)]

Horizontally. We support the Council position.

<u>ESTONIA</u>

Two remaining critical issues for EE are minimum percentages and possibility to finance ICT equipment without limitations:

<u>Minimum level of expenditure</u> (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)

EE is stronlgy against introducing the minimum levels of expenditure. There is room for compromise when it comes to the use of thematic facility but the national envelopes should be exempt from this limitation. Priorities and constraints are already in place in the ISF regulation. Each MS must be able to choose the most appropriate measures to achieve the objectives of the Fund while taking account the actual challenges and needs in the region. Introducing additionally minimum allocations of funding for each specific objective is unnecessary and unduly restrictive.

<u>Purchase of equipment</u> (Art. 12, line 211)

EE can agree to lowering the percentage to some extent (e.g 25-30%) while <u>excluding the ICT</u> equipment from the limitation. **The main priority for the EE is to keep the ICT equipment out of the limit.**

EE can show a degree of flexibility when it comes to other remaining issues:

<u>Budget</u>

- <u>budget allocation</u> (art. 7(2)(a), (2)(b), lines 156-159)

EUCO conclusions should be followed when calculating the allocation to different components (national envelopes vs Thematic Facility).

- <u>midterm review</u> (art. 13(2)+(2a), lines 222-223)

Line 222: EE supports the Council mandate as 30% proposed by the EP is not realistic to achieve. In the spirit of compromise EE can also support the COM initial proposal (10%).

- <u>financing agencies</u> (Art. 17, line 255)

EE can be flexible.

External dimension of migration. Actions in/with third countries

o cap on third country funding (art. 4(2a)(2b), lines 130/131)

EE prefers that no cap on third country funding is introduced or at least the 8% limitation from the current period is kept. However, in the spirit of compromise, EE is willing to accept the limitation proposed by the EP (5%).

o external immigration management (art. 8(2))

EE can be flexible.

Actions

o recital on intelligence cooperation (line 104)

EE does not support adding a clear reference to intelligence services in the recital**.** Law enforcement cooperation between MSs must be promoted in line with the TFEU. Regulating cooperation and information exchange between national intelligence services comes into conflict with national prerogatives in the area of national security (Art. 4 (2) TEU). However, taking account the urgency to reach a compromise, EE finds the COM compromise drafting from 28.09.2020 to be a step to the right direction, which could be considered.

o standard equipment (art. 4(3)(b), line 134)

EE can be flexible concerning the standard equipment limitation provided that the standard equipment is clearly defined, unambiguous to all MSs and in line with the ISF objectives. COM proposal that compromise could be found along the lines "only in duly justified cases" seems reasonable.

o non-eligible actions which should be eligible in emergency situations (art. 4(3), second sentence (line 139)

EE supports the Council position that all points, including actions with military purpose should remain eligible in emergency situations. However, this is a paragraph where EE can show flexibility.

o operating support (art. 15(2), line 231)

EE supports higher percentage for the operational support (30%). The opportunity to use the OS should remain. It must in any case be justified in the programme and approved by the COM beforehand. EE is willing to compromise at 25%, if necessary for reaching the agreement with the EP,

Delegated Acts/Implementing Acts/Comitology

EE can show flexibility with regard to the related paragraphs. These are horizontal issues and must be similar throughout ISF, BMVI and AMF regulations.

HUNGARY

Lines 222-223

The implementation of the programs can start only at the end of second half of 2021 or in 2022. Taking into account the public procurement and other administrative procedure in the Member States the 10% payment requirements will be extremely hard or impossible to meet. Hungary is generally against the insertion of the conditionality criteria regarding the mid-term review, however based on the experiences from the current programming period HU and in the spirt of compromise we are open to accept a maximum of 2-3% in this regard.

Lines 130, 131

HU considers that the external dimension is of utmost importance and in this regard we are against limiting the implementation of projects funded in cooperation with third countries;

We would like to highlight that if any limitation should be a part of the final compromise than the respective limitation should be raised at least to the level of the programming period 2014-2020 (8%).

Lines 169-173, 202-207

HU believes and has also consequently indicted that setting percentage limits for SOs causes inflexibility.

Line 104

Hungary is ready to accept a reference to the "intelligence community" in the text, but it is also acceptable for us if this reference is only in the recitals. However, we think that mentioning the CTG in an EU legal act is of great concern, since the CTG is an informal cooperation framework, the scope of which goes beyond the cooperation among the Member States.

In line with this we suggest the following modification of the compromise proposal made by the Commission:

COM compromise drafting (28.09.2020) "The cross-border nature of serious and organised crime and terrorism requires a coordinated response and cooperation within and between Member States and with competent Union bodies. Law enforcement authorities and the intelligence community both hold valuable information to effectively fight serious and organised crime and terrorism. To accelerate information exchange and to improve the quality of information shared it is crucial to build mutual trust. New approaches to cooperation and information exchange, including on the threat analysis between authorities competent in the field of internal security should be explored. The Fund should support competent authorities of Member States responsible for the prevention, detection and investigation of criminal offences as referred to in Article 87 of the TFEU insofar as their activities are covered by the scope. It should be ensured that all funded activities fully preserve the necessary separation between law enforcement and intelligence work and the required principles of information ownership."

Line 134

HU can show flexibility and accept any of the proposed wordings.

Line 139

HU can show flexibility and accept any of the proposed wordings.

Line 211

HU is still convinced that 50% of the allocation or the deletion of the percentage is necessary to implement the ISF 2021-2027 in a successful manner.

Line 231

HU can show flexibility and accept the proposal on 20%.

LATVIA

1. Budget 1) budget allocation (art. 7(2)(a), (2)(b), lines 156-159) 2) midterm review (art. 13(2)+(2a), lines 222-223) 3) financing agencies (Art. 17, line 255)	1) issue on use of 2018 and current prices – **no objections** 2) 10% (initially proposed), 30% (13.03.2019 PGA proposal) of initial allocation not covered by payments – shall not receive additional allocation. **LV comment – taking into account current timetable of setting up the legal bases, it will not be possible to reach the 30% initial payment level by the mid-term, therefore LV supports the initial proposal of 10%.** 3) Decentralized agencies may also be eligible for funding available in Union Actions (08.09.2020 proposed as Exceptional provision). **No objections.**
2. External dimension of migration. Actions in/with third countries 1) cap on third country funding (art. 4(2a)(2b), lines 130/131) 2) external immigration management (art. 8(2))	**1)** funding in 3rd countries (TF) shall not exceed current 2% (proposed to increase to 5 or 8%) – **no objections. LV is not planning to use TF in 3rd countries.** 2) TF – priorities with high added value Annex III or Art.20 + the COM shall consult civil society organizations while preparing work program/s. – **LV no objection.**
3. Minimum level of expenditure 1) minimum percentages (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)	**1) LV in general cannot support restrictions in setting minimal percentages per specific objectives neither in TF nor in shared management allocations.**
4. Actions 1) recital on intelligence cooperation (line 104) 2) standard equipment (art. 4(3)(b), line 134) 3) non-eligible actions which should be eligible in emergency situations (art.4(3), second sentence (line 139) 4) purchase of equipment (Art. 12, line 211) 5) operating support (art. 15(2), line 231)	**1) Due to its political context, till now it has not been clear whether the additionally proposed specific objective will be part of the proposal. In general no objection to the objective.** **2)** Non eligible actions - Standard equipment. **LV can support compromise proposal – "in duly justified cases"** 3) Non-eligible actions should be eligible in emergency situations – **no objection.** 4) Operating support – **LV is not planning to use operating support.**

5. Delegated Acts/Implementing Acts/Comitology 1) work program for the thematic facility (art. 8(5), line 176; art. 28(2)(3)(5)(6), a. line 325, 326, 328, 329) 2) [committee procedure (art. 29, lines 331-333)]	**LV no objection in the TF regulatory section.**

LITHUANIA

A general comment on the proposed **minimum percentages** for the specific objectives - we agree with the Council's position and would like to support those MS who objected to EP proposal which reduces MS' flexibility for national programming, as each MS has different needs in each area. However, if the minimum percentages were to be retained (mandatory for each specific objective):

- 10% for ISF specific objectives 1 and 2 - we could be flexible, but 30% for specific objective 3 is too big, as a compromise could be 10-20% max.

POLAND

- ***Purchase of equipment (Art. 12, line 211)***

One of the most important things for Poland mentioned in the document are the provisions regarding Art. 12, line 211. We strongly supports the compromise version of the proposal to increase the limit on the allocation of funds for the purchase of equipment, means of transport, etc. to 50% in Article 12 point 4. We also support the exclusion of ICT equipment from this limit. Such decisions will, without a shadow of a doubt, increase the equipment and infrastructure capacity of the Member States', which should definitely improve their internal security. This is particularly important for the Member States that are still improving their equipment, infrastructure, operational capacities of national services and institutions responsible for maintaining internal security, also in collaboration with other Member States.

Projects should bring long-lasting effects, which will constitute an enhancement a Member State's security also after a given project has been completed. As the previous experience shows, ISF's undertakings will mainly concern the purchase of equipment, infrastructure (including IT infrastructure), because such activities guarantee a permanent increase in security level. The introduction of a 15% limitation on such activities would indispose the Fund to respond to the key needs of services in this area. "Soft" activities, meetings, exchange of information are important, but without proper facilities and modern technology, they may not be effective enough. Successful actions in the area of EU security require substantial resources and capabilities from the Member States.

However, if it is necessary to choose one of the above proposals, PL is in favour of a slight reduction of the limit on equipment from 50% (but not to 15% – red line) and retaining the provisions on ICT equipment.

- ***Standard equipment (art. 4(3)(b), line 134)***

PL has reservations about the return of the provisions on "*standard equipment*". There is a risk that the European Commission considers parts of projects that will receive funding ineligible due to imprecise provisions about the inability to purchase "standard" devices, means of transport or equipment. The security domains are often highly specialized, and it is controversial to determine whether the equipment they use is "standard" or "innovative". The main criterion for the purchase of devices / means of transport / instruments should be their effectiveness in solving problems related to ensuring safety, not an assessment of whether they are above-standard.

Moreover, this provision does not specify how to understand the phrase "standard devices or standard instruments". The meaning of these terms should be clarified so that in the future there are no doubts as to the legitimacy of purchasing the given devices, equipment and accessories under this programme. The above provision may significantly limit the possibilities of using the above-mentioned fund resources for possible purchases of equipment and fittings.

We propose to delete the point regarding the ineligibility of activities involving the purchase and maintenance of standard equipment, since it enables us to avoid the need to justify every single purchase (especially that there is no definition of the "*standard equipment*"). PL is not in favour of purchasing *standard equipment* from the fund, but points out the imprecision of the record. For example: does the purchase of mobile portable terminals fit into the category of *standard equipment* that does not meet the eligibility criteria?

However, we are able to resign from the deletion of this provision in favour of the relevant provisions in Art. 12 (*purchase of equipment*).

- ***Minimum percentages (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)***

PL is against the introduction of minimum percentage of allocation for each specific objective of the Fund. These provisions may limit the influence and flexibility of a Member State in the use of allocation of funds under national programmes. Member States, in line with the principles of subsidiarity, know their security needs best, and it is the Member States that remain responsible for their citizens to ensure public security.

In the spirit of compromise for the other provisions mentioned in the document, we can be flexible.

SLOVAKIA

1. Budget

- budget allocation (art. 7(2)(a), (2)(b), lines 156-159)

The amount of allocation for the NP will be determined on the basis of the total amount of funds approved for MFF 21-27 within the CPR. Despite this fact, SK agrees with the proposal of the allocation stated in the proposal of ISF no. 10972/20 of 6 October 2020.

- midterm review (art. 13(2)+(2a), lines 222-223)

in ISF proposal no. 10972/20 of 6 October 2020, paragraph 2 is not included, so SK believes that it will not be applied. Among other things, the proposed % and the overall obligation to report a certain amount in individual payments puts enormous pressure on MS. Many factors that precede real drawing are not taken into account.

- financing agencies (Art. 17, line 255)

SK fundamentally disagrees. Agencies are funded from a completely different EU package / chapter.

2. External dimension of migration. Actions in/with third countries

- cap on third country funding (art. 4(2a)(2b), lines 130/131)
- external immigration management (art. 8(2))

3. Minimum level of expenditure

- minimum percentages (art. 8(2a)(a)-(d), lines 169-173;

From our point of view this requirement doesn't make sense, as the thematic facility should be flexible and serve for the urgent needs. And in case of urgent needs, it is quite difficult to observe some minimum %. Each MS has its own priorities and urgent needs. We fundamentally disagree with the inclusion of the new paragraph 2a in Art. 8.

- art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)

SK disagrees with the minimum % even in the case of specific targets. Unnecessary administrative burdens and pressure are placed on MS.

SK strongly disagrees with line 206, which is linked to line 104 (common intelligence culture). In the proposal of 6 October 2020, this requirement was deleted and compensated only in the recital.

4. Actions

- recital on intelligence cooperation (line 104)

Please see comments above.

- standard equipment (art. 4(3)(b), line 134)

If standard equipment is not eligible for ISF funding, the clear guidance must be given on what standard equipment means in practice in relation to ISF funding.

- non-eligible actions which should be eligible in emergency situations (art. 4(3), second sentence (line 139)
- purchase of equipment (Art. 12, line 211)

SK prefers proposal with 50 %

- operating support (art. 15(2), line 231)

SK considers 30% as minimum, and yet it is very limiting in terms of the overall focus of operational support

5. Delegated Acts/Implementing Acts/Comitology

- work programme for the thematic facility (art. 8(5), line 176; art. 28(2)(3)(5)(6), line 325, 326, 328, 329)
- [committee procedure (art. 29, lines 331-333)]

No comments.

SPAIN

OUSTANDING POLITICAL ISSUES AS REGARDS ISF		SPANISH COMMENTS AND/OR OBSERVATIONS
Budget	budget allocation (art. 7(2)(a), (2)(b), lines 156-159)	Spain would rather prefer COM proposal.
	midterm review (art. 13(2)+(2a), lines 222-223)	Spain would rather prefer COM proposal.
	financing agencies (Art. 17, line 255)	Spain supports Council position on this matter as it understands that Agencies are already included under emergency support.
External dimension of migration. actions in/with third countries	cap on third country funding (art. 4(2a)(2b), lines 130/131)	Spain supports Council and COM position on this matter as it is of the utmost importance to understand that the impact of an orderly migration management depends on external factors.
	external immigration management (art. 8(2))	Spain prefers maintaining Council position on this matter.
Minimum level of expenditure	minimum percentages (art. 8(2a)(a)-(d), lines 169-173; art. 12(1b)(a)-(d), art. 12(1c), lines 202-207)	Spain supports Council position on this matter. The inclusion of minimum percentages does not match needs with Fund objectives taken into account that unforeseen events can occur during the 7 years period of the Fund. Hence, Spain cannot accept these percentages as they may hamper normal Fund management.
Actions	recital on intelligence cooperation (line 104)	Spain prefers to follow the negotiations on this matter.
	standard equipment (art. 4(3)(b), line 134)	Spain could accept its inclusion
	non-eligible actions which should be eligible in emergency situations (art. 4(3), second sentence (line 139)	Spain would rather prefer COM proposal.
	purchase of equipment (Art. 12, line 211)	Spain would rather prefer Council proposal.
	operating support (art. 15(2), line 231)	Spain would rather prefer Council proposal.
Delegated acts/implementing acts/comitology	work programme for the thematic facility (art. 8(5), line 176; art. 28(2)(3)(5)(6), line 325, 326, 328, 329)	Spain can support Council position on this matter.
	[committee procedure (art. 29, lines 331-333)]	Spain can support Council position on this matter.