

The wording suggestions below have been prepared to facilitate the inter-institutional negotiation process. Please note that this is without prejudice to the Commission's position.

Horizontal provisions of AMF, BMVI, ISF

Article AMF 7, BMVI 6, ISF 6 – General principles

Paragraph 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 actions, policies and priorities of the Union, and is complementary to other Union instruments. Member States shall furthermore ensure that the support provided under this Regulation is coordinated with national instruments.

Article AMF 9, BMVI 8, ISF 8 – Thematic Facility (funding under reasoned opinion)

Paragraph 4:

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 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 regularity of expenditure or the performance of the projects.

Article AMF 13, BMVI 12, ISF 12 – Programmes

Paragraph 9 (AMF and ISF) / 15 (BMVI):

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 (AMF and BMVI) / 2 (ISF) of Annex VI and shall include an indicative breakdown of the programmed resources by type of intervention within each specific objective.

Article AMF 23, BMVI 20, ISF 19 – Technical assistance

Note: To indicate the actions eligible under technical assistance, we propose including a reference to the (agreed) CPR Article.

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. Those actions may be financed at the rate of 100 %.

Article AMF 25, BMVI 22, ISF 21 – Information, communication and publicity

Paragraph 1:

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 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.

Paragraph 2a:

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 should 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 management in a timely manner and update this information where appropriate. It shall be possible to sort the information by specific objective, maximum funding from the EU budget and name of beneficiary.

Article AMF 26, BMVI 23, ISF 22 – Emergency situation

Paragraph 1:

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.

Article AMF 27, BMVI 24, ISF 23 – Cumulative, complementary and combined funding

New title:

Cumulative and alternative funding

Paragraph 2:

Actions awarded a seal of Excellence certification, which comply with the following cumulative comparative conditions:

- a) they have been assessed in a call for proposals under the instrument;
- b) they comply with the minimum quality requirements of that call for proposals;
- c) they may not be financed under that call for proposals due to budgetary constraints.

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].

Recital (horizontal to all directly managed programmes):

In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the [insert name of the programme covered by the given basic act] and other Union programmes, including those under shared-management. To maximise those synergies, key enabling mechanisms should be ensured, including cumulative funding in an action from [the Fund/Instrument] and another Union programme, as long as such cumulative funding does not exceed the total eligible costs of the action. For that purpose, this Regulation should set out appropriate rules, in particular on the possibility to declare the same cost or expenditure on a pro-rata basis to [the Fund/Instrument] and another Union programme.

Article AMF 28, BMVI 25, ISF 24 – Monitoring and reporting

Paragraph 5:

(...) Any amendment to Annex VIII shall apply only to projects selected after its entry into force.



Council of the European Union
General Secretariat

Brussels, 24 April 2020

Interinstitutional files:

2018/0250(COD)

2018/0248(COD)

2018/0249(COD)

WK 3834/2020 INIT

LIMITE

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WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	JHA Counsellors on Financial Instruments
Subject:	Horizontal provisions of AMF, BMVI, ISF - drafting suggestions

Delegations will find attached drafting suggestions from the Commission regarding the three MFF Home Affairs proposals (AMF, BMVI and ISF).