



Council of the European Union
General Secretariat

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

Brussels, 24 April 2020

WK 4094/2020 INIT

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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:	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 - drafting suggestions

Delegations will find attached drafting suggestions from the Presidency regarding the BMVI proposal.

BMVI
Presidency drafting suggestions

Article 3 – Objectives of the instrument

Paragraph 2 (line 113):

(b) supporting the common visa policy to ensure a more harmonised approach among the Member States with regard to the issuance of visas and to facilitate legitimate travel, while helping prevent and counter migratory and security risks.

Note: The preventive dimension of the visa policy is retained in the objectives of the instrument. The expression 'helping counter migratory and security risks' comes from the Visa Code, while 'prevent' is part of the Commission's proposal. Prevention involves a more proactive approach, anticipating and avoiding risks rather than just reacting to them.

Article 4 – Scope of support

Paragraph 2a (line 120):

In accordance with Article 57(9) of Regulation (EU) No ... [CPR], actions financed from this Instrument may also receive support from other Funds, programmes or Union instruments. In such cases, purchased goods, including equipment and ICT systems may be used for purposes in line with the scope of the Funds, programmes or Union instruments that provided support, including 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].

Note: The principle of sound financial management of EU funds requires clear traceability of the expenditure in order to assess the level of performance of each specific financial instrument. However, this could limit the use of the different funding sources to finance multi-purpose equipment and ICT systems, thereby preventing an efficient use of resources and economies of scale.

Article 57(9) of the Commission proposal on the Common Provisions Regulation (CPR) will apply to all Home instruments under shared management. It provides that actions can be supported from one or more Funds and that the costs for each of them can be calculated on a pro rata basis. Expenditure incurred can then be reimbursed from the different CPR Funds or other Union instruments based on a proportion agreed in advance. This will allow Member States to estimate the use of equipment or ICT systems for different purposes and determine the relevant (European or national) funding sources accordingly, while ensuring that double financing is avoided. In this context, Member States will be allowed to provide economies of scale by launching a single call for tenders for the acquisition of equipment financed through different instruments.

NB: The new text compromise proposal on line 120 is compatible with the Council's position on lines 209 and 210, which remain unchanged.

Article 7 – Association agreements (Budget)
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Paragraph 4 (line 155):

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 this Instrument by countries associated with the implementation, application and development of the Schengen *acquis*. 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 for the opening of negotiations on those arrangements. The Council shall act without delay, on receipt of the recommendation, in deciding to authorise those negotiations. The financial contributions from those countries shall be added to the overall resources available from the Union financial envelope referred to in paragraph 1.

Article 12 – Programmes

Paragraph 12 (line 207):

(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 defined by the European Border and Coast Guard Agency in close cooperation with the Member States and the Commission, where such standards exist. The European Border and Coast Guard Agency shall ensure the compatibility and interoperability of the equipment or communication systems following a request from the Member State to the Agency to verify the technical specifications;

Note: The drafting suggestion seeks further alignment with Article 64 of the EBCG Regulation. The communication systems include in particular the Eurosur system.

Annex III

Paragraph 1 (line 411):

(a) infrastructures, buildings including their rehabilitation and refurbishment, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points;

Note: Part of the Council's amendment to line 412 has been moved here, as it relates to infrastructures and buildings.

Paragraph 1 (line 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, including challenges identified in the recommendations mentioned in Article 12(5), in full compliance with fundamental rights;

Note: The drafting suggestion maintains the recommendations included in Article 12(5) while eliminating any unnecessary limitation in the scope of the training.

Annex IV

Paragraph 5 (line 453):

Measures within the framework of border control enhancing the identification of and the immediate support to vulnerable persons and unaccompanied minors, 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.

Note: The drafting suggestion merges lines 453, 454 and 456, building on the last compromise proposal.