



Council of the European Union
General Secretariat

Brussels, 15 May 2020

Interinstitutional files:

2018/0250(COD)

2018/0248(COD)

2018/0249(COD)

WK 5008/2020 INIT

LIMITE

**JAI
FRONT
VISA
SIRIS
ENFOPOL**

**CT
ASIM
MIGR
CODEC
COMIX**

WORKING PAPER

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

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (AMF) 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 (BMVI) Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund (ISF) - Comments from delegations

Following the request for contribution (CM 2050/20), delegations will find attached a compilation of replies received from Member States on the abovementioned subject.

WK 5008/2020 INIT

LIMITE

EN

Written comments submitted by the Member States

**Proposal for a Regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund (AMF)**

**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 (BMVI)**

**Proposal for a Regulation of the European Parliament and of the Council
establishing the Internal Security Fund (ISF)**

WK 2728/20

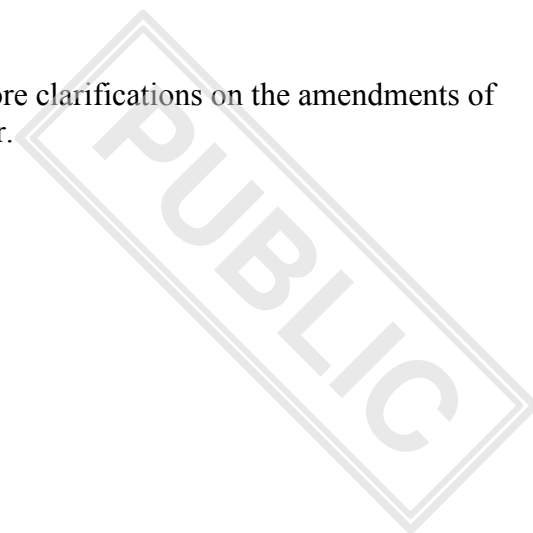
Table of contents

BULGARIA	2
AUSTRIA.....	3
CZECHIA	4
CYPRUS	5
ESTONIA.....	6
FINLAND	7
FRANCE	8
GERMANY.....	9
GREECE.....	10
HUNGARY	11
ITALY	12
POLAND.....	13
PORTUGAL	14
ROMANIA.....	15
SLOVAKIA	16
SPAIN.....	17
SWEDEN	18
SWITZERLAND.....	19

BULGARIA

We will support your approach.

We will highly appreciate if you could provide some more clarifications on the amendments of Article 11/12 Co-financing rates, as it is still a bit unclear.



AUSTRIA

At the moment, Member States have to establish the co-funding rate of up to 75% or 90% at project level. In contrast, in the cohesion policy funds under CPR, the co-financing rate is established at priority level, thus allowing Member States flexibility at project level **as long as the average co-financing rate of all projects at priority level is respected**. The proposed drafting suggestion below aims at aligning the framework conditions for co-financing rates to the ones foreseen in the CPR, increasing thereby the flexibility:

Article 11/12 Co-financing rates

- 1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of all projects.*
- 2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for ~~projects implemented under~~ specific actions.*

AT appreciates the COM proposal to align the CPR with the Home Funds provisions regarding the co-financing rates in order to create more flexibility. AT is willing to compromise with this proposal.

Regarding the EP amendment 102 to the AMF-proposal for the co-financing rates of up to 90% for measures named in ANNEX IV, AT is willing to compromise, because the EP amendment makes sure that projects under these measures will get a higher co-financing rate. This was the initial intention behind the creation of ANNEX IV. Specific measures in ANNEX IV would be able to get higher co-financing. AT understands and accepts the flexibility presented by the COM, but it is not effective for ANNEX IV.

CZECHIA

The CZ does not support the new proposal of the Commission. The proposed solution would increase the administrative burden on the side of the member states and especially on the side of the member states which do not use euros as currency. It would be very hard to ensure that the really spent money are spent on average in the desired co-financing rate. The proposal of the Commission is inspired by the structural funds which however do not know nor specific actions neither Annex IV actions. In the HOME Funds it is already suggested in the legal basis which projects are considered as having more EU added value and that is why the co-financing rate is higher. The new proposal of the COM which speaks in 11.1 about “all projects” would make the Annex IV obsolete. Moreover there are also consequences for the Annex VI of CPR (Program template) table 3.2 which is structured according to the article 11 (12 respectively). This table would also become obsolete if we introduced only one co-financing rate.

The reality than would be that the member states under co-finance the projects in order “to be safe” and the co-financing rate would be lower than 75 %.

To sum up the CZ supports the original proposal of the COM as amended by the Council. The CZ can also support the EP’s amendment 102 (i.e. co-financing for actions under Annex IV must be between 80 % and 90 %). The condition is that this approach is applied horizontally to all three Home Funds.

CYPRUS

Cyprus supports all suggestions.



ESTONIA

EE can support.



FINLAND

Finland agrees that the proposed method of applying the co-financing rates will increase flexibility. However, it remains unclear from the proposal why the average level in the Home Affairs funds is proposed to be set at the programme level and not Specific Objective level, which would correspond to the method used in the CPR for the Cohesion fund where the average is set on priority level. Nevertheless, Finland can agree with the proposal.

Finland does not agree with the EP amendment 102 and would rather stick to the Commission's proposal for Annex IV, whereby member states could adjust the co-financing rate at project level (range from 0% to 100%) while keeping the overall average of projects eligible under Annex IV at the level set in the programme, with a maximum of 90%.

FRANCE

Article 11(1) et (2) FSI / Article 12(1) et (2) FAMI / Article 11(1) et (2) IGFV – Taux de cofinancement

Nous ne pouvons pas agréer, en l'état, à la proposition de compromis de la Commission.

La formulation utilisée mérite d'être explicitée, notamment s'agissant du "each type of project". Les modalités de calcul des taux de cofinancement moyens doivent être détaillées, ainsi que leur lien avec la majoration du taux de cofinancement des projets jugés prioritaires

Article 12 (2) FAMI – Cofinancement des actions listées à l'Annexe IV

Nous tenons à rappeler que nous nous opposons à toute forme de cofinancement plancher, y compris dans le FAMI et continuerons à nous opposer à l'amendement 102 du Parlement (ligne 157).

GERMANY

Article 11/12 Co-financing rates

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of all projects.
2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for ~~projects implemented under~~ specific actions.

Background:

So far, the national co-financing rates for national projects have been 75% and 90%, respectively; KOM now proposes an alignment to the CPR so that it can be deviated from in individual projects, provided that on average all programs within a MS (all projects within each type) do not exceed a co-financing rate of 75% or 90%. Individual projects can thus be funded up to 100% EU. Overall, according to the COM proposal, MS can therefore fall below the co-financing rates from the EU-HH on average of all programs of 75% and 90%, but not exceed them.

However, the COM reference to align the provisions in the CPR on the Cohesion Funds is not quite complete, since the EU co-financing rates for the structural funds according to the COM proposal from May 2018 are lower for the future funding period (between 70 and 40 % per funding category) than for the internal funds. Even if there is a significant increase in the EU cofinancing rates for the structural funds, an MS contribution could remain.

Evaluation/suggestion:

The establishment of a uniform financing quota is preferred, as it provides a clear planning basis for all parties involved. Otherwise, the financing quota would have to be specifically defined for each project, which would unnecessarily increase uncertainty, particularly for NGOs and local authorities, within the context of essential financing matters and leads to increased bureaucracy.

The use of EU funds would therefore be more in question. In addition, in order to avoid deadweight effects and to take into account the idea of ownership, a MS portion should also always be paid for individual projects.

GREECE

Art. 11(1) of the BMVI

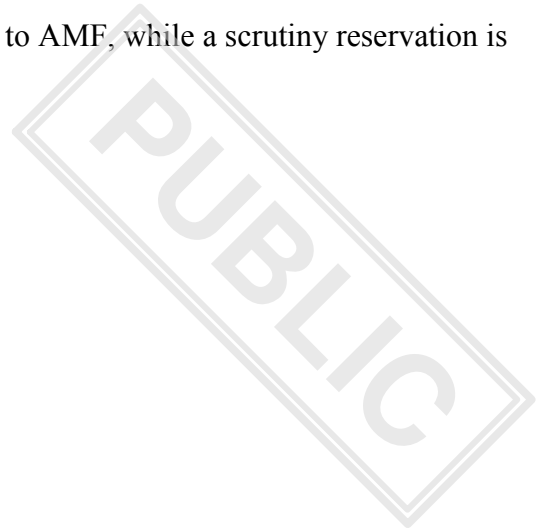
We suggest to include the EP's amendment as stated in the WK 1803/2020 ("The contribution from the Union budget shall not exceed 85 % of the total eligible expenditure of a project from Member States whose per capita gross national income ('GNI') is less than 90 % of that of the Union average and 75 % of the total eligible expenditure for other Member States").

HUNGARY

Hungary supports Commission's proposal and flexible approaches however the explanation of the amendment raises the question, whether the Member State should develop criteria for applying a flexible co-financing rates? The justification for the different co-financing will be certainly required by the audit authority.

ITALY

The proposals can be supported insofar they are referred to AMF, while a scrutiny reservation is kept for BMVI and ISF.



POLAND

We currently have no comments on the proposed changes, however we would like to ask about the reason for changes to the already agreed parts of the regulations (compromise text). Poland indicates the possibility of raising additional reservations in the future.

PORTUGAL

Co-financing rate - Paragraphs 1 e 2

PT supports the drafting suggestion.

Co-financing rate - Paragraph 3

PT supports the COM proposal.



ROMANIA

While we appreciate COM's intention, we do think that unfortunately there is an issue with the wording (and implicitly with the way it is implemented).

Therefor, hypothetically one MS can plan for most of the projects funded through the national program to be actions from Annex IV (90%) and operational costs (100%). In this case the result will be that the average will exceed 75%, contrary to the text proposed by COM in article 11 (1).

We would like to suggest an alternate text: *The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of all projects, **excepting those mentioned in para. 2 to 5.***

When it comes for am. 102 we cannot agree with it and we support COM's opinion.

SLOVAKIA

Slovak Republic does not support the revised wording for Article 11 of the ISF proposal. The proposal on setting the 75% limit of the total eligible expenditure of all projects, is rather confusing and lays administrative burden to MS. The revised proposal is in contradiction with the proposal outline in point 2 and in contradiction with other points listed under Article 11 of the ISF proposal. If there is an obligation not to exceed the 75% co-financing rate for all projects, point 2 is in this case irrelevant. Furthermore, the revised proposal is not in line with the proposed Annex VI of CPR (Template of a programme for the AMF, ISF and BMVI), specifically structure of table 6 under 3.2 – Total financial allocations.

SPAIN

Spain supports EP amendment 102.



SWEDEN

Sweden can accept the suggestions.



SWITZERLAND

Article 11 - Paragraph 1 and 2

We support this proposal as it offers more flexibility to the responsible authorities when defining the co-financing rates per project.

