



Council of the European Union  
General Secretariat

---

---

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

---

---

**Brussels, 15 May 2020**

**WK 5012/2020 INIT**

**LIMITE**

**JAI  
FRONT  
VISA  
SIRIS  
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, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa<br>- 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.

## Written comments submitted by the Member States

### **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 - COM drafting suggestions**

**WK 4067/20**

#### **Table of contents**

|                             |           |
|-----------------------------|-----------|
| <b>BULGARIA.....</b>        | <b>2</b>  |
| <b>AUSTRIA.....</b>         | <b>3</b>  |
| <b>CZECHIA.....</b>         | <b>4</b>  |
| <b>ESTONIA.....</b>         | <b>5</b>  |
| <b>FINLAND .....</b>        | <b>6</b>  |
| <b>FRANCE.....</b>          | <b>7</b>  |
| <b>GERMANY .....</b>        | <b>8</b>  |
| <b>HUNGARY .....</b>        | <b>9</b>  |
| <b>ITALY.....</b>           | <b>10</b> |
| <b>LATVIA.....</b>          | <b>11</b> |
| <b>THE NETHERLANDS.....</b> | <b>12</b> |
| <b>POLAND.....</b>          | <b>13</b> |
| <b>PORTUGAL.....</b>        | <b>14</b> |
| <b>ROMANIA.....</b>         | <b>15</b> |
| <b>SPAIN.....</b>           | <b>16</b> |
| <b>SWEDEN .....</b>         | <b>17</b> |

## **BULGARIA**

We will support your approach.



## **AUSTRIA**

### **Article 3 Objectives – line 110**

AT welcomes the inclusion of the text in a separate paragraph as pointed out.

### **Annex III (1)(I – new) – Reference to EUROSUR – line 425**

AT agrees with the proposal to include a dedicate line for EUROSUR under Annex VI Types of intervention, it makes sense to subsume the actions linked to one type.

## **CZECHIA**

### **Article 3 Objectives – line 110**

The CZ could support the amendment of the paragraph 1. However, it **does not support** the addition of the separate paragraph unnecessarily noting principles which are enshrined in other applicable and binding legislative acts and which must be followed anyway regardless the regulation on Funding. This “legislative” repetition makes the legislative text only more complicated and hard to read without bringing any legislatively relevant change.

### **Annex III (1)(l – new) – Reference to EUROSUR – line 425**

The CZ can support new code for implementation modalities dimension, although it is not particularly clear what will be the added value of this step.

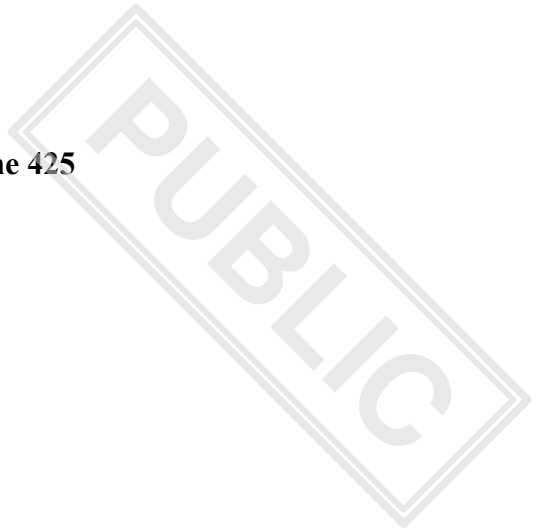
## **ESTONIA**

### **Article 3 Objectives – line 110**

EE can be flexible.

### **Annex III (1)(l – new) – Reference to EUROSUR – line 425**

EE can support the COM's new proposal.



## **FINLAND**

### **Article 3 Objectives – line 110**

FI prefers the wording of the PGA (“...ensuring strong and effective European integrated border management at the external borders...”) as it states the objective clearly and **keeps the focus on the external borders**. The proposed wording focuses more on internal security (“...by ensuring a high level of internal security...”), which is the main concern of the ISF.

FI can be flexible on whether to use ‘ensure’ or ‘contribute’ and other purely wording-related matters.

FI can also be flexible on how the Fundamental Rights -aspect is presented in the text, the current ISF-B being acceptable. This added paragraph hopefully reduces the number of references to Fundamental Rights in other parts of the text.

### **Annex III (1)(l – new) – Reference to EUROSUR – line 425**

FI can be flexible on this.

## **FRANCE**

### **Article 3 Objectives – line 110**

Le respect de la Charte des droits fondamentaux et des obligations internationales par l'ensemble des politiques européennes s'applique en vertu de normes supérieures. Le rappel constant de leur existence est redondant.

À titre de compromis, nous pouvons accepter une mention générale figurant dans les considérants rappelant que la mise en œuvre du fonds se fait conformément aux obligations européennes et internationales en matière de droits fondamentaux.

Nous pouvons soutenir la reformulation à l'article 3 (1) proposée par la Commission.

Nous ne pouvons pas souscrire à l'ajout à la ligne 116 ni à sa transposition dans les trois fonds.

### **Amendement à l'article 3.4**

Position: favorable sous réserve

En ce qu'il est fait référence à l'acquis de l'UE, la proposition de compromis est plus synthétique que l'article 3.4 et peut-être soutenu à condition que la référence au non-refoulement (notion étrangère au FSI) soit retirée.

### **Annex III (1)(I – new) – Reference to EUROSUR – line 425**

Nous pouvons soutenir cette proposition de la Commission.

**GERMANY**

Consent.



## **HUNGARY**

Hungary supports Commission's proposals.



## **ITALY**

We keep a scrutiny reservation.



## **LATVIA**

Latvia supports all proposed compromise texts in the given document.



## **THE NETHERLANDS**

### **Article 3 Objectives – line 110**

Ad. 1 The NL can support the suggestion regarding the reference to (the charter) of fundamental rights;

Ad. 2: The NL disagrees with the proposal to replace “ensuring IBM and contributing to high level of security” to “is contributing (to) IBM by ensuring high level of security”. In our opinion this is the reverse order of the purpose of the BMVI regarding IBM. In this proposal it reads like the fund is contributing to an effective IBM (“by”) ensuring a high level of internal security. Again in our opinion this is the reverse order. In our perspective the fund is making IBM possible and an effective IBM contributes to (a high level of) internal security (and not the other way around).

Depending on the outcome of all the written comments, we could possibly also agree to the following, but strongly suggest our proposed text above “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, in full compliance with the Union’s commitments on fundamental rights”.

### **Annex III (1)(I – new) – Reference to EUROSUR – line 425**

The Netherlands supports this proposal to mention Eurosur action under Annex IV instead of Annex II, due to the fact and under the condition the method of using (different financial codes) already is in place.

## **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**

### **Article 3 Objectives – line 110**

PT does not oppose the drafting suggestion.

### **Annex III (1)(l – new) – Reference to EUROSUR – line 425**

Considering a negotiating compromise approach, PT does not oppose the drafting suggestion.

## **ROMANIA**

### **Article 3 Objectives – line 110**

In the spirit of compromise we can be supportive.

### **Annex III (1)(l – new) – Reference to EUROSUR – line 425**

We cannot agree with the proposal and we support Council text. Furthermore, we recommend not to amend table 3 of annex 6, as this table is correlated with the types of projects according to the co-financing rate.

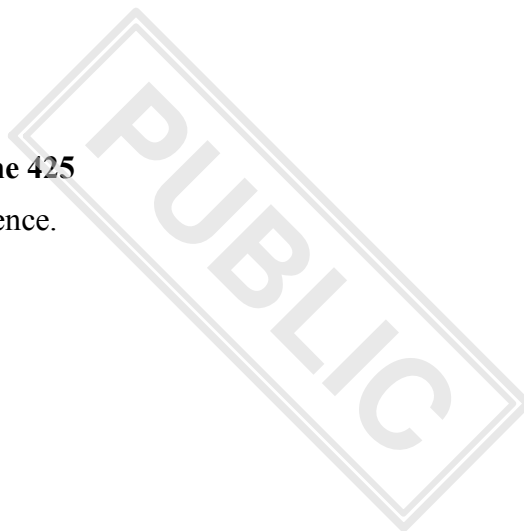
## **SPAIN**

### **Article 3 Objectives – line 110**

The Kingdom of Spain accepts Presidency proposal.

### **Annex III (1)(l – new) – Reference to EUROSUR – line 425**

The Kingdom of Spain accepts the inclusion of the reference.



## **SWEDEN**

Sweden can accept the suggestions.

