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WORKING PAPER

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WORKING DOCUMENT

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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund – Comments from the delegations

Following the request for contribution (CM 2515/20), 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 the Asylum and Migration Fund
doc. WK 5955/20**

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AUSTRIA

- **Line 88a - definition of 'unaccompanied minor':** The Rapporteur is proposing a possible compromise which refers to the definition of 'unaccompanied minor' in Art 2 of Directive 2011/ 95/EU;

AT position: AT supports the following wording: 'unaccompanied minor' means an unaccompanied minor as defined in point (k) and (l) of Article 2 of Directive 2011/95/EU.

- **Lines 91 and 165 - reference to 'international obligations':** The Rapporteur proposed a general reference to international obligations in these two lines. It is imperative to note that this request is exclusively linked to this reference (highlighted text in the Annex) and is without prejudice to the Council's position on the other elements in the same lines.

AT position: AT primarily supports the Council position, but is willing to accept the suggestion made by the EP.

- **Partnership** (Article 3a - lines 96a, 96b and 96c): Following further discussions, the European Parliament amended its possible compromise proposal. Delegations are invited to comment on the latest EP's compromise proposal.

AT position: AT is willing to accept the EP's compromise proposal suggested on 5/11/2019.

- **Line 100b - Gender equality and non-discrimination:** The EP Rapporteur is suggesting a compromise proposal which the Presidency invites delegations to consider / comment on.

AT position: In general AT is fine with the wording in the PGA, but is willing to compromise with the EP proposal.

- **Lines 116 and 204j - Eligible entities:** The EP rapporteur showed flexibility towards the Council's proposal (line 204j), however the EP believes that there is still a need to clarify if this applies to any third country not mentioned in the Work Programme. Delegations are invited to express their views on this matter.

AT position: AT primarily supports the Council position, but accepts the EP suggestion to clarify the wording.

- **Line 138 - Thematic Facility:** This specific amendment is linked to the overall position of the Council on the status of the Annexes. The EP rapporteur suggests that both co-legislators drop their amendments, and go back to the Commission's original proposal. This means that they will drop their amendment to include reference to 'Annex III' as long as the Council gives up its amendment to include reference to 'overall migratory evolution'. Delegations are invited to comments on the EP's suggestion.

AT position: AT primarily supports the Council position, but is willing to compromise with the EP rapporteur's suggestion to go back to the initial COM wording, if both, the EP's and the Council's amendment, are dropped.

- **Projects in Line 155 - co-financing of NGO projects:** Following the feedback from Council in line with the discussions held at the last JHA Counsellors meeting, the EP Rapporteur is suggesting an alternative compromise proposal for a separate recital, while respecting the use of the term 'encourage'. Delegations are invited to consider the EP compromise proposal and indicate their flexibility or send their comments.

AT position: AT can support the COM proposal text with the amendment by the Council (keep the term "encouraged"). The EP's suggestion to create a separate recital can also be accepted.

BELGIUM

- Line 88a - definition of 'unaccompanied minor': we agree with the proposal
- Lines 91 and 165 - reference to 'international obligations': we don't see the added value of the second part of the EP amendment in line 91. It seems evident that a MS respects the EU-obligations and international agreements to which it adheres to. So it doesn't seem necessary to mention this explicitly. The COM proposal already foresees an explicit reference to the attention to human rights, this is already a concession towards EP.
- Line 96b - Partnerships: no specific comments. We agree with the proposal.
- Line 100b - Gender equality and non-discrimination: we agree with the proposal
- Lines 116 and 204j - Eligible entities: we think that this provision should be applicable in general, regardless of its place in the regulation. So it should also be applicable to third countries that are not mentioned in the work programme. This enlarges the possibilities to set up projects in third countries financed by EU funding.
- Line 138 - Thematic Facility: this is an acceptable compromise
- Line 155 - co-financing of NGO projects: we agree with the proposal

BULGARIA

BG could support the EP Rapporteur proposal to move from the text of the article to a separate recital to cover AM 101 with the text "In addition to the co-financing rate provided by the Fund for projects, Member States are encouraged to provide funding from the budget of national public authorities where such funding is essential for a project to be carried out, particularly when the project is implemented by a civil society organisation."

However we are concerned by the EC proposal regarding the co-financing rate to be established at the level of the NPs. In our understanding this would require MS to provide more funding for projects which do not fall within the scope of Article 12 (3), (4) and (5), (5a) and Annex IV and Annex VII. To compensate for projects for which co-financing is set to 100 %, for other projects EU the MS will have to ensure co-financing higher than 25 %. In other words in order to balance the funding at programme level MS have to choose projects depending of co-funding and not depending of national needs. In case our understanding is correct we are not flexible on the EC proposal.

CZECHIA

- **Line 88a** – The CZ can support EP proposal referring to Directive 2011/95/EU
- **Line 91** – The CZ cannot support narrowing the policy objective as proposed by the EP. The legal ground for this regulation as well as the general principals are mentioned in the recitals where it belongs, it should not be further repeated in the chief text. Therefore the CZ considers the PGA wording “in line with the relevant Union acquis” sufficient. At the same time, the CZ does not agree with reference to “solidarity and fair-sharing or responsibility” as the main objective of the Fund as it would become a guiding principle also for parts, for which it is not relevant.
- **Line 96b** – the CZ supports the PRES on replacing the term „in particular“ by „such as“
- **Line 100b** – the CZ cannot agree to the proposal of the EP. The CZ supports the proposal of the COM which is grounded by Article 19 TFEU. The CZ shares the concern of the Council with the term “*and promoted*”. This term should be deleted.
- **Line 155** – the CZ does not support the change in paragraph 1 (a project => all projects). We request clarification of this change, why is this change suggested? What will be the impact of such change – will the co-financing rate have to be 75 % on average of all projects? Does it mean that if a MS supports and action from Annex IV with 90 % co-financing it needs to co-finance some other project for less than 75 % in order to keep the average at 75 %? On the other hand the CZ supports the wording of newly suggested recital 17 as long as the term “*encouraged*” is kept.
- **Line 165** – the CZ cannot support the proposal of the EP. Especially the sentence “*in particular the UN Convention on the Rights of the Child*” is un-necessary. The previous sentence refers to all instruments and there is no legal need to pick up one of them to be explicitly mentioned. In general, the references to the principals and obligations, such as treaties to which MSs are signatories, should be included in the recitals, its repetition in the chief text should be omitted.

ESTONIA

- Line 88a - definition of 'unaccompanied minor': The Rapporteur is proposing a possible compromise which refers to the definition of 'unaccompanied minor' in Art 2 of Directive 2011/ 95/EU;

EE can support the proposal.

- Lines 91 and 165 - reference to 'international obligations': The Rapporteur proposed a general reference to international obligations in these two lines. It is imperative to note that this request is exclusively linked to this reference (highlighted text in the Annex) and is without prejudice to the Council's position on the other elements in the same lines.

EE can in general support the proposal. However, the definition of *fair-sharing of responsibility* needs to be clarified as it is subjective and Member States have not agreed on this in the CEAS discussions.

- Line 96b - Partnerships: The Rapporteur is proposing a possible compromise proposal which should better reflect the CPR. The Presidency is suggesting accepting the compromise subject to clarifying that the list of non-governmental organisations is a list of examples.

EE can support the proposal and also replacing 'in particular' with 'such as'.

- Line 100b - Gender equality and non-discrimination: The EP Rapporteur is suggesting a compromise proposal which the Presidency invites delegations to consider / comment on.

EE can support the proposal in para 2. However, in para 1 we still prefer the wording without the term 'and promoted'.

- Lines 116 and 204j - Eligible entities: The EP rapporteur showed flexibility towards the Council's proposal (line 204j), however the EP believes that there is still a need to clarify if this applies to any third country not mentioned in the Work Programme. Delegations are invited to express their views on this matter.

EE has no objections.

- Line 138 - Thematic Facility: This specific amendment is linked to the overall position of the Council on the status of the Annexes. The EP rapporteur suggests that both co-legislators drop their amendments, and go back to the Commission's original proposal. this means that they will drop their amendment to include reference to 'Annex III' as long as the Council gives up its amendment to include reference to 'overall migratory evolution'. Delegations are invited to comments on the EP's suggestion.

EE has no objections.

- Line 155 - co-financing of NGO projects: Following the feedback from Council in line with the discussions held at the last JHA Counsellors meeting, the EP Rapporteur is suggesting an alternative compromise proposal for a separate recital, while respecting the use of the term 'encourage'. Delegations are invited to consider the EP compromise proposal and indicate their flexibility or send their comments.

EE can support the proposal, also that the term 'encouraged' is kept.

FRANCE

- **[définitions] Article 2 ja (ligne 88a) – définition de « mineur non-accompagné » :**
 - *Nous pouvons souscrire au renvoi à la directive « Qualification » pour définir les mineurs non-accompagnés.*
 - *Cependant nous estimons indispensable de prévoir également une certaine souplesse dans la définition de l'âge.*
 - *Nous proposons d'ajouter la phrase suivante afin de consacrer cette souplesse :
« The age taken into account in this data collection shall refer to the age accepted by the national competent authorities, i.e determined by an age-assessment procedure when applicable »*
- **[objectifs du fonds] Article 3 (ligne 91) et [programmes] article 13 (ligne 165) – référence aux « obligations internationales » :**
 - *Nous pourrions souscrire au compromis proposé par la Parlement à la ligne 91.*
 - *Nous nous opposons formellement à l'amendement du Parlement à la ligne 165. Nous souhaitons un alignement sur l'article 12(1) (ligne 200) de la proposition de Règlement FSI, que nous jugeons plus adaptée avec la mention « while taking into account the specific context of each Member State ».*
- **Article 3a (ligne 96b) – Partenariats :**
 - *Nous continuons de nous opposer formellement à l'ajout de l'article 3(a) et nous nous opposons fermement à ce compromis. Il s'agit d'un point dur pour la France.*
 - *Les accords de partenariats sont couverts par les dispositions du RPDC, qui excluent les fonds JAI de leur champ d'application.*
- **Article 4a (ligne 100b) – Référence à l'égalité des genres et à la non-discrimination :**
 - *Nous ne sommes pas favorables à l'ajout de l'article 4a.*
Nous saluons l'esprit des propositions de la Commission et du Parlement et rappelons l'attachement de la France au respect des principes de non-discrimination et d'égalité des genres. Toutefois, ces rédactions sont (i) redondantes, lesdits principes étant consacrés par les droits européens et nationaux et (ii) risqueraient d'alourdir fortement les différentes phases de mise en œuvre du fonds, les États devant ainsi produire un nombre significatif de preuves supplémentaires à chaque étape susmentionnée.
- **Article 6 (ligne 116) et article 18a (ligne 204j) – Entités éligibles :**
 - *Nous soutenons la position arrêtée dans l'orientation générale partielle du Conseil.*
 - *Les entités éligibles des actions financées en gestion partagée sont, selon l'état actuel des négociations du RPDC, exclusivement définies par les programmes nationaux, validés par la*

Commission. Les dispositions du règlement FAMI encadrant les entités éligibles doivent donc se limiter aux actions en gestion directe et indirecte.

- **Article 9 (ligne 138) – Mécanisme thématique :**

- *Nous pouvons nous montrer flexibles vis-à-vis de ce compromis.*
- *Cependant, nous souhaitons proposer la rédaction suivante, afin de garantir que le mécanisme thématique sera en mesure de couvrir tous les aspects d'une éventuelle crise dont on ne peut garantir les contours pour une période de 7 ans :*
"Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities such as those outlined in Annex II"

- **Article 12 (ligne 155) – cofinancement des projets de la société civile :**

- *Nous ne sommes pas favorables aux compromis proposés par la Commission et le Parlement suite à l'amendement du Parlement européen.*

Les dispositions d'un instrument financier européen de ce type n'ont pas à préciser ce que les Etats devraient financer sur leur budget national.

HUNGARY

Line 88a

We have previously proposed the use of definitions set out in policy legislation. The EP rapporteur proposes the definition in Article 2 (1) of Directive 2011/95 / EU, which is acceptable for us.

Line 91

The inclusion of the term „solidarity” remains a red line for Hungary until it is exhaustively defined what „solidarity” at EU level will encompass in migration policy.

With regard to the EP proposal Hungary can show flexibility if it is made clear that the content of the principles of solidarity and responsibility-sharing does not go beyond what is contained in Article 80 of TFEU. We can also show flexibility in setting out obligations under international law and the Charter.

Line 96b

We accept the proposal of the Presidency, and we support the use of „such as”.

Line 100b

We still do not consider this amendment to be justified. In the Article 6a of CPR which is horizontal regulation for all Home Funds the human and fundamental rights are exhaustively listed, Hungary does not see the need of repeat of the mentioned rights in the AMF proposal.

Line 116

We suggest waiting for the Commission's proposal but Hungary also shows flexibility to accept the compromised proposal of EP.

Line 138

We agree to keep the Commission's original proposal.

Line 155

Regarding the co-financing rates the document WK 2728/2020 INIT issued by the Council on 10th March 2020 contained the horizontal proposal for all three Home Funds.

Hungary supported that amendment proposal and flexible approaches. The compromise proposals in line 155 are not contrary but not fully in line with the proposals issued on 10 May 2020, which have already been commented by Member States, therefore Hungary can accept the EP Rapporteur Proposal.

ITALY

- Line 88a - definition of 'unaccompanied minor': The Rapporteur is proposing a possible compromise which refers to the definition of 'unaccompanied minor' in Art 2 of Directive 2011/ 95/EU;

IT prefers a reference to the current acquis.

- Lines 91 and 165 - reference to 'international obligations': The Rapporteur proposed a general reference to international obligations in these two lines. It is imperative to note that this request is exclusively linked to this reference (highlighted text in the Annex) and is without prejudice to the Council's position on the other elements in the same lines.

IT support the proposal of wording highlighted in the Annex.

- Line 96b - Partnerships: The Rapporteur is proposing a possible compromise proposal which should better reflect the CPR. The Presidency is suggesting accepting the compromise subject to clarifying that the list of non-governmental organisations is a list of examples.

IT supports the PCY proposal on non-exhaustive list.

- Line 100b - Gender equality and non-discrimination: The EP Rapporteur is suggesting a compromise proposal which the Presidency invites delegations to consider / comment on.

IT confirms its position which rules out the "promotion" of gender equality as an objective per se.

Therefore, IT is opposed to para. 1, as proposed by the Parliament, on the aforementioned ground.

Para. 2 is instead acceptable. In return for para. 2, IT suggests to persuade the Parliament to give up the word "promoted" in para. 1.

- Lines 116 and 204j - Eligible entities: The EP rapporteur showed flexibility towards the Council's proposal (line 204j), however the EP believes that there is still a need to clarify if this applies to any third country not mentioned in the Work Programme. Delegations are invited to express their views on this matter.

IT supports the clarification made by the EP ("it should be added that legal entities of third countries are beneficiaries only in consortia with entities from MS) in line with the provisions of the current regulation.

- Line 138 - Thematic Facility: This specific amendment is linked to the overall position of the Council on the status of the Annexes. The EP rapporteur suggests that both co-legislators drop their amendments, and go back to the Commission's original proposal. this means that they will drop their amendment to include reference to 'Annex III' as long as the Council gives up its amendment to include reference to 'overall migratory evolution'. Delegations are invited to comments on the EP's suggestion.

IT is flexible on the EP proposal to go back to the Commission's original proposal. Actually, dropping the words 'including the overall migratory evolution' (which makes explicit one of the possible contents) doesn't exclude the possibility to respond to the overall migratory situation.

- Line 155 - co-financing of NGO projects: Following the feedback from Council in line with the discussions held at the last JHA Counsellors meeting, the EP Rapporteur is suggesting an alternative compromise proposal for a separate recital, while respecting the use of the term 'encourage'. Delegations are invited to consider the EP compromise proposal and indicate their flexibility or send their comments.

IT is flexible on this point as 'encouragement' is not a binding concept.

LITHUANIA

Line 96b - Partnerships: The Rapporteur is proposing a possible compromise proposal which should better reflect the CPR. The Presidency is suggesting accepting the compromise subject to clarifying that the list of non-governmental organisations is a list of examples:

LT would like to draw the attention, that neither „*such as*“ nor „*in particular*“ fits the article well. First of all the exclusion of migrant-led NGOs could be considered inconsiderate taking into account the NGOs that have been our partners for a long time and have extensive knowledge of the challenges and needs of the target groups. Furthermore being refugee-led does not necessarily translate into representing the needs of refugees or operating in the field of migration and (or) asylum. If there is such a need this addition can be left as an example through the use of “such as” but it still appears as quite a narrow approach to NGOs as partners.

LT would suggest “<...>relevant international organisations, non-governmental organisations ~~in particular refugee and migrant-led organisations~~, national human rights institutions and equality bodies, and economic and social partners” or “<...>relevant international organisations, non-governmental organisations (such as refugee and migrant-led organisations, refugee and migrant needs oriented organisations, etc.), national human rights institutions and equality bodies, and economic and social partners.”

LUXEMBOURG

- **Line 88a - definition of 'unaccompanied minor':**

The Rapporteur is proposing a possible compromise which refers to the definition of 'unaccompanied minor' in Art 2 of Directive 2011/ 95/EU;

Luxembourg **can accept** the compromise made by the EP Rapporteur

- **Lines 91 and 165 - reference to 'international obligations':**

The Rapporteur proposed a general reference to international obligations in these two lines. It is imperative to note that this request is exclusively linked to this reference (highlighted text in the Annex) and is without prejudice to the Council's position on the other elements in the same lines.

Luxembourg is **flexible** on these lines

- **Line 96b - Partnerships:**

The Rapporteur is proposing a possible compromise proposal which should better reflect the CPR. The Presidency is suggesting accepting the compromise subject to clarifying that the list of non-governmental organisation is a list of examples.

Luxembourg is **flexible** on this.

- **Line 100b - Gender equality and non-discrimination:**

The EP Rapporteur is suggesting a compromise proposal which the Presidency invites delegations to consider / comment on.

We still have a very **strong preference** to use the notion of "**gender equality**" instead of "**equality between men and women**" in para 1 because it is more inclusive. Nevertheless we can be flexible if the flexibility is needed to agree but we would then **strongly support the compromise proposal of the EP in para 2**

- **Lines 116 and 204j** - Eligible entities:

The EP rapporteur showed flexibility towards the Council's proposal (line 204j), however the EP believes that there is still a need to clarify if this applies to any third country not mentioned in the Work Programme. Delegations are invited to express their views on this matter.

Luxembourg is flexible on these lines

- **Line 138** - Thematic Facility:

This specific amendment is linked to the overall position of the Council on the status of the Annexes. The EP rapporteur suggests that both co-legislators drop their amendments, and go back to the Commission's original proposal. this means that they will drop their amendment to include reference to 'Annex III' as long as the Council gives up its amendment to include reference to 'overall migratory evolution'. Delegations are invited to comments on the EP's suggestion.

Luxembourg is flexible on this

- **Line 155** - co-financing of NGO projects:

Following the feedback from Council in line with the discussions held at the last JHA Counsellors meeting, the EP Rapporteur is suggesting an alternative compromise proposal for a separate recital, while respecting the use of the term 'encourage'. Delegations are invited to consider the EP compromise proposal and indicate their flexibility or send their comments.

Again, we're flexible.

NETHERLANDS

- **Line 88a:** NL can accept the EP Rapporteur's proposal.
- **Lines 91 and 165:** NL can accept the EP Rapporteur's proposal.
- **Lines 96a en b:** NL prefers to await outcome of negotiations on Partnerships under the CPR.
- **Line 100b:** NL can accept the EP Rapporteur's proposal and, since not all people identify themselves either as men or women the Netherlands proposes to change the text of paragraph 1 in a way that does better justice to all genders: 1. "The Member States and the Commission shall ensure that **gender** equality ~~between men, and women~~, gender mainstreaming and the integration of gender perspective are taken into account and promoted throughout the preparation, implementation, monitoring, reporting and evaluation of programmes and projects".
- **Lines 116 and 204j:** NL is flexible.
- **Line 138:** NL is flexible.
- **Line 155:** NL can accept the EP Rapporteur's proposal, as long as MS are not obligated to provide funding from the budget of national public authorities to fund projects.
- **Line 165:** NL can accept the EP's proposal.

POLAND

- **Line 88a – definition of „unaccompanied minor”** - We can accept last EP proposal referring to point (l) of Article 2 of Directive 2011/95/EU.
- **Lines 91 /165- reference to international obligation** - We can be flexible on EP proposal concerning the reference to international obligations (second part of the line 91) however we are in favor of maintaining the Council approach / possibly last EC proposal.
- **Line 96a – Partnerships** – We can accept Council’s position.
- **Line 96b – Partnerships** – We can be flexible on Presidency proposal. Alternatively we would like to suggest different wording, replacing “at least” with “interested”:

"For this Fund, partnerships shall, pursuant to point (c) of Article 6(1) of [the CPR], include interested regional, local, urban and other public authorities [or their representative associations], relevant international organisations, non-governmental organisations, such as refugee and migrant-led organisations, national human rights institutions and equality bodies, and economic and social partners."

- From our point of view, there is no need to involve all of the authorities, especially those that are not interested in the fund's area of operation.
- **Line 100b – Gender equality and non-discrimination** – We have reservation on this article. There is horizontal solution in CPR and we do not need to duplicate it in AMIF regulation. If there would be any compromise and this article would be included we have reservation on term 'and promoted' in paragraph 1.
- **Lines 116 and 204j - Eligible entities** – we do not see a need to change/clarify the partial general approach in these in this matter.
- **Line 138 – Thematic facility** – We can be flexible on EP proposal.
- **Line 155 – Co-financing rates** – we do not see a need to change/clarify the partial general approach in these in this matter.
- **Line 165 – Programmes** – we do not see a need to change/clarify the partial general approach in these in this matter.

SLOVENIA

- 1. In Line 88a** - definition of 'unaccompanied minor': we can support the EP proposal,
- 2. Lines 91 and 165** - reference to 'international obligations': we support the proposal of the EC,
- 3. Line 96b** - Partnerships: we do not support the EP proposal and suggest to replace the word "at least" by "may include" regional, local etc.,
- 4. Line 100b** - Gender equality and non-discrimination: we support the EC proposal and agree with the explanation provided on the use of term "and promoted",
- 5. Line 138** - Thematic Facility: we support the compromise proposal under third coloumn,
- 6. Line 164** - Programmes: we are also in favour of the proposal in the third coloumn.

ROMANIA

- **Line 88a - definition of 'unaccompanied minor'**

RO expresses flexibility to take up a reference to the definition of 'unaccompanied minor' in Art 2 of Directive 2011/ 95/EU

- **Lines 91 and 165 - reference to 'international obligations'**

RO expresses flexibility to take up the EP amendment

- **Line 96b - Partnerships**

RO still appreciate that CPR provisions are sufficient and cover the EP proposal but, if this duplication CPR-AMF could lead to accomplish a way to get the compromise, could agree to insert it into the text of AMF Regulation and replacing “*in particular*” with “*such as*”.

- **Line 100b - Gender equality and non-discrimination**

RO supports the PGA and is not in favour of duplicating provisions already included in CPR and also in Recitals of the AMF draft Regulation.

- **Lines 116 and 204j - Eligible entities**

RO supports the EP proposal.

- **Line 138 - Thematic Facility**

RO supports the PGA. When considering the EP proposal, we should not miss the general provisions of Art. 4 which cover both NP and Thematic Facility as regards the reference to Annex II and III. Also need to take into consideration that Council amendment for PGA was intended to guarantee a quality dimension of allocation from TF based on migratory evolution.

- **Line 155 - co-financing of NGO projects**

RO expresses flexibility to take up the EP amendment but since Art.12 was designed to include just EU co-financing for projects it is advisable to amend Recital 17 as COM suggested. In this context, to accommodate better COM suggestion, the last part of Recitals 17, which is applicable for higher co-financing, should assure a clear wording for relevance of the *contribution from the Union budget*. RO suggestion: “...use of the thematic facility and through a higher co-financing rate for these actions **from Union budget**”.

SPAIN

- **Line 88a - definition of 'unaccompanied minor'**: The Rapporteur is proposing a possible compromise which refers to the definition of 'unaccompanied minor' in Art 2 of Directive 2011/ 95/EU;

Spain can accept EP Rapporteur's proposal.

- **Lines 91 and 165 - reference to 'international obligations'**: The Rapporteur proposed a general reference to international obligations in these two lines. It is imperative to note that this request is exclusively linked to this reference (highlighted text in the Annex) and is without prejudice to the Council's position on the other elements in the same lines.

Spain can accept EP rapporteur's proposal.

- **Line 96b - Partnerships**: The Rapporteur is proposing a possible compromise proposal which should better reflect the CPR. The Presidency is suggesting accepting the compromise subject to clarifying that the list of non-governmental organisation is a list of examples.

Spain would accept EP rapporteur's proposal of the Presidency, with the amendment considered by the Presidency. However, a scrutiny reservation is presented until the CPR is agreed.

- **Line 100b - Gender equality and non-discrimination**: The EP Rapporteur is suggesting a compromise proposal which the Presidency invites delegations to consider / comment on.

Spain can accept EP rapporteur's proposal.

- **Lines 116 and 204j - Eligible entities:** The EP rapporteur showed flexibility towards the Council's proposal (line 204j), however the EP believes that there is still a need to clarify if this applies to any third country not mentioned in the Work Programme. Delegations are invited to express their views on this matter.

Spain is of the opinion that Work Programmes have to be able to adapt to unexpected change of circumstances. For this reason, in line with the objectives of the Work Programme, third countries not mentioned in it may be included for reasons of interest.

- **Line 138 - Thematic Facility:** This specific amendment is linked to the overall position of the Council on the status of the Annexes. The EP rapporteur suggests that both co-legislators drop their amendments, and go back to the Commission's original proposal. this means that they will drop their amendment to include reference to 'Annex III' as long as the Council gives up its amendment to include reference to 'overall migratory evolution'. Delegations are invited to comments on the EP's suggestion.

Spain would prefer maintaining Council drafting due to fact that “including overall migratory evolution” guarantees a thematic fund response to unexpected migratory evolution that may happen in 2021-2027 period.

- **Line 155 - co-financing of NGO projects:** Following the feedback from Council in line with the discussions held at the last JHA Counsellors meeting, the EP Rapporteur is suggesting an alternative compromise proposal for a separate recital, while respecting the use of the term 'encourage'. Delegations are invited to consider the EP compromise proposal and indicate their flexibility or send their comments.

Spain is flexible and would accept the EP rapporteur's proposal.