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WORKING PAPER

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From:	Presidency
To:	JHA Counsellors on Financial Instruments
Subject:	Agenda and outcome of technical meeting on horizontal provisions (AMF, BMVI, ISF)

With a view to the informal meeting of the members of the JHA Counsellors on Financial instruments of 20 July 2020, delegations will find enclosed the agenda and outcome of technical meeting on horizontal provisions (AMF, BMVI, ISF) that took place on 14 July 2020.

Technical meeting on 14.07.20 (14:30 - 17:30)

Horizontal provisions (AMF, BMVI, ISF)

Meeting room: Justus Lipsius 50.4 (capacity up to 22 persons)

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Videoconference (Interactio)

Agenda + Outcome

The lines highlighted in **green** reflect the provisional agreements reached by file, according to the respective 4-column tables, ahead of the technical meeting.

The column Outcome reflects the progress made at the technical meeting.

1) Confirmation of agreement / Consistency across proposals

Topic	AMF	BMVI	ISF	Outcome
References to the Financial Regulation and the Common Provisions Regulation	Lines 148, 159a, 206, 210, 211, 213, 223, 245, 256	Lines 174, 186, 249, 253, 254, 256, 262, 273, 287	Lines 182, 194, 250, 254, 256, 258, 264, 274, 286	Provisional agreement across the three proposals on all lines. On lines 159a/ 186/ 194, text below subject to confirmation by EP and Council. "The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for technical assistance at the initiative of the Member States within the limits set out in Article 30(5)(v) of Regulation (EU) No [CPR]."

Objectives and Annex II	Line 96	Line 114	Line 105	Provisional agreement across the three proposals.
Technical assistance (Commission)	Line 128	Line 154	Line 161	Provisional agreement across the three proposals.
Thematic facility (Reasoned opinion and infringement)	Line 139	Line 164	Line 174	Provisional agreement across the three proposals.
Scope	Line 147	Line 173	Line 181	Wait for the discussions on lines related to the modalities of adoption of the thematic facility (implementing, delegated act). Same approach to be applied horizontally.
Revision of programmes	Line 169	Line 201	Line 216	COM will work on a drafting suggestion based on text pre-agreed in AMF + a reference to Art. 19 CPR.
Union added value	Line 179	Line 222	Line 226	EP insists on the reference to Union added value in AMF and BMVI. Can Member States accept this?
Operating support	Line 198	Line 226	Line 230	EP insists on having different wording for ISF. COM will make a proposal.
Operating support and Annex VII	Lines 202, 203	Lines 230, 231	Lines 234, 235	Provisional agreement across the three proposals.

2) Horizontal aspects for discussion

Topic	AMF	BMVI	ISF	Outcome
Co-financing rates	Article 12(1), (2), (7) (lines 155, 156, 161)	Article 11(1), (2), (7) (lines 181, 182, 188)	Article 11(1), (2), (7) (lines 189, 190, 196)	Provisional agreement across the three proposals.
General principles	Article 7 (line 119-122)	Article 6 (line 143-147)	Article 6 (line 151-154)	EP insists of having different drafting per proposal on lines 121/ 145/ 153. The Presidency will put forward drafting suggestions. Provisional agreement across the three proposals on the rest of lines.
Thematic Facility (funding under reasoned opinion)	Article 9(4) (line 140)	Article 8(4) (line 165)	Article 8(4) (line 175)	Provisional agreement across the three proposals. "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, and the CION shall assess whether , 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 actions ."
Programmes	Article 13(9) (line 173)	Article 12(15) (line 214)	Article 12(9) (line 219)	Provisional agreement across the three proposals.
Technical assistance	Article 23 (line 221)	Article 20 (line 260)	Article 19 (line 262)	Provisional agreement across the three proposals. "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 at a financing rate of 100 % ."
Information, communication	Article 25 accompanying	Article 22 accompanying	Article 21 accompanying	Para 1: EP proposes to re-use wording of Art. 53(3) of Regulation 514/14. EP agrees to include the following sentence: "To ensure the visibility of Union funding, recipients of Union

and publicity	recitals (lines 234-236a)	recitals (lines 263-267)	recitals (lines 265-268)	funding should refer to its origin when communicating on the action and display the Union emblem." (from last COM's drafting suggestion). COM will make a new drafting suggestion. Council: To check recital proposed by COM. Para 2a: Provisional agreement across the three proposals. "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 shall 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 should be possible to sort the information by specific objective, maximum funding from the EU budget and name of beneficiary."
Emergency situation	Article 26(1), (4a) (lines 239, 245a)	Article 23(1) , (4a) (lines 270, 274)	Article 22(1) , (4a) (lines 271, 275)	Council questions use of "may" instead of "shall" in Para 1. Art. 7(1) of Regulation 514/14 reads "...the Commission may decide to provide emergency assistance". Council will consult internally. Lines 245a / 274 / 275: COM to revert in writing (to confirm if covered by Financial Regulation/ CPR).
Cumulative,	Title, Article	Title, Article	Title, Article	Title: To check if there is an agreement on a different title

complementary and combined funding	27(1), (2) new recital (lines 246-248)	24(1), (2) new recital (lines 277, 278, 279)	23(1), (2) new recital (lines 276, 277, 278)	("Cumulative and alternative funding") across MFF proposals. Lines 247 / 278 / 277: COM to suggest a recital. If clear enough, EP can consider to agree with Council's position. Lines 248/ 279 / 278: Provisionally agreed ("or" removed).
Monitoring and reporting	Article 28(3), (5) (lines 258, 260)	Article 25(3), (5) (lines 289, 291)	Article 24(3), (5) (lines 288, 290)	Lines 258 / 289/ 288: Linked to the overall discussions on indicators. Lines 260 / 291 / 290: Provisional agreement across the three proposals: "(...) Any amendment to Annex VIII shall apply only to projects selected after its entry into force."