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WORKING PAPER

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From:	Presidency
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 - four column table

With a view to the meeting of the JHA Counsellors of 13 January 2020, delegations will find enclosed the updated version of the 4-column table of the abovementioned draft Regulation.

Please note that this updated version is only for discussion and has not yet been validated by the European Parliament.

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

T: issue to be discussed at technical level, P: issue to be discussed at political level, H: Horizontal issue.

2018/0249 (COD)

	Commission proposal COM(2018) 473 final	EP amendments	Council position Partial general approach	Compromise text
101.	(4) 'external borders' means the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;	(4) 'external borders' means <i>external borders as defined in point (2) of Article 2 of Regulation (EU) No 399/2016</i> the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet; [Am. 54] ;	(4) 'external borders' means the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;	EP compromise proposal (4) 'external borders' means <i>external borders as defined in point (2) of Article 2 of Regulation (EU) No 399/2016</i> the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including and those internal borders at which the controls have not been lifted yet;
113.	(b) supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks.	(b) supporting the common visa policy to <i>ensure a more harmonised approach among the Member States with regard to the issuance of visas and to</i> facilitate legitimate travel and prevent	(b) supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks.	Presidency compromise suggestion: (b) supporting the common visa policy to <i>ensure harmonised practices on visa issuing among Member States and to</i> facilitate legitimate travel, and as

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		migratory and mitigate security risks. [Am. 57]		<i>well as contributing to the prevention of prevent</i> migratory and security risks. COM services' proposal for compromise text: 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 counter security risks and [illegal immigration] to the Union. <u>Alternative option building on the Council compromise text:</u> 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 counter migratory and security risks. <i>Note: 'Illegal immigration' is bracketed because there will be a separate discussion on the terminology.</i> EP prefers the second option. To check internally. Council prefers "prevention", but can accept "helping counter", provided that "migratory and security risks" stays.
194.	2. The Commission shall ensure that the European Border and Coast Guard Agency and	2. The Commission shall ensure, where appropriate , that the European Border and Coast Guard	2. At an early stage of the programming, the The Commission shall consult ensure that the	COM services' proposal for compromise text (6/12): Option 1 – two separate paragraphs: one on the

	where appropriate, eu-LISA, are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.	Agency and where appropriate, eu-LISA, <i>the European Union Agency for Fundamental Rights, and any other relevant Union agency</i> are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies. [Am. 86]	European Border and Coast Guard Agency and where appropriate, eu-LISA, <i>on the draft programmes, as regard the areas of their competence, to ensure consistency and complementarity of the actions of the agencies and those of the Member States regarding border management as well as to avoid overlaps and to achieve cost efficiency. The consultation shall be conducted in a timely manner without delaying the approval and implementation of the programmes.</i> are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies.	<i>involvement of the Agencies in the programming in general and one on their involvement in operating support</i> The Commission shall from an early stage associate the European Border and Coast Guard Agency and, where appropriate, eu-LISA with the process of developing the programmes of Member States, in so far as it falls within the agencies' competencies. [The Commission shall, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.] EP and Council prefer this option. Council positive scrutiny. Council reservations (administrative burden, time for consultation)
195.	3. It shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as	3. It <i>The Commission</i> shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid	3. It shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid	T→P if needed (Council deletion added to line 194) <i>COM services' proposal for compromise text (6/12)</i> - Option 1 – two separate paragraphs: one on the involvement of the Agencies in the programming in general and one on their involvement in operating support: 3. The Commission shall consult the European Border and Coast Guard Agency on the activities included under

	well as to avoid double financing and to achieve cost efficiency.	double financing and to achieve cost efficiency. [Am. 87]	double financing and to achieve cost efficiency.	operating support within the scope of Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency. The Commission shall, where necessary, consult eu-LISA on the activities included under operating support for which the agency has particular expertise in accordance with its mandate. EP and Council concur on the deletion of the reference to Article 3.
196.		<i>3a. The Commission shall consult eu-LISA on the draft programmes with a specific emphasis on the activities included under technical support in line with Article 3(2)(b) to ensure consistency and complementarity of the actions of eu-LISA and those of the Member States.</i> [Am. 88]		COM services' proposal for compromise text (25/11): <i>The Commission may, where necessary, consult eu-LISA on the activities included under operating support related to the EU large-scale IT systems.</i> [link to line 229] EP counterproposal: <i>The Commission shall may, where necessary, consult eu-LISA on the activities included under operating support for which eu-LISA has</i>

				<i>particular expertise in accordance with its mandate.</i> COM & Council open to "shall" with "where necessary"
197.	4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.	4. The Commission may associate, <i>where appropriate</i>, the European Border and Coast Guard Agency, and where appropriate, eu-LISA, <i>the European Union Agency for Fundamental Rights, and any other relevant agency</i> with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities. [Am. 89]	4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.	<i>COM services' proposal for compromise text:</i> 4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union <i>acquis</i> and agreed Union priorities. <i>In carrying out monitoring and evaluation tasks, the Commission may, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.</i>
199.	6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency with the process of examination on the most appropriate approach to address	6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency, <i>eu-LISA, the European Union Agency for Fundamental Rights and any other relevant agency or body</i> with the process of	6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency with the process of examination on the most appropriate approach to address the	<i>COM services' proposal for compromise text:</i> The Commission shall, where relevant, associate the European Border and Coast Guard Agency with the process of

	the recommendations with the support of this instrument.	examination on the most appropriate approach to address the recommendations with the support of this instrument. [Am. 90]	recommendations with the support of this instrument.	examination on the most appropriate approach to address the recommendations with the support of this instrument. <i>In that framework, the Commission may, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.</i>
212.	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding.	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, <i>and on relevant Union and international law, including with regard to fundamental rights, access to international protection and relevant maritime law.</i> [Am. 97]	13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, <i>where such standards exist.</i>	EP compromise proposal: 13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, <i>in particular the common core curricula referred to in Article 62(6) of Regulation (EU) 2019/1896 and on relevant Union and international law, including with regard to fundamental rights, access to international protection and relevant maritime law.</i>