



Council of the European Union
General Secretariat

Brussels, 30 July 2018

WK 9427/2018 INIT

LIMITE

**JAI
FRONT
ASIM
MIGR
CADREFIN**

WORKING PAPER

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REQUEST FOR CONTRIBUTION

From:	Presidency
To:	Delegations
Subject:	Ad-Hoc Working Party on JHA Financial instruments (AMF) on July 20, 2018 – Questionnaire

On behalf of the Presidency, delegations will find in annex the questionnaire relating to Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund.

Ad-Hoc Working Party AMF – 20th July 2018 – Questionnaire

The following questionnaire should help us to get a first overview of Member States' positions and main concerns. It is not regarded as a final opinion, as article by article negotiations will take place in the Ad Hoc Working Party. It is all about finding out which articles/chapters of the proposal will possibly be easy to discuss and in which the negotiations will be rather difficult.

General questions to the different chapters and the articles in the proposal and the ANNEXES:

PROPOSAL:

- Chapter I – General Provisions (Art.1-6):

- Art.1: positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

- Art.2: positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

- Art.3: positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

- Art.4: positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

- Art.5: positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

- Art.6: positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):

- Art.7: positive /negative?
If negative, why?
Questions and comments?
- Art.8: positive /negative?
If negative, why?
Questions and comments?
- Art.9: positive /negative?
If negative, why?
Questions and comments?

- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):

- Art.10: positive /negative?
If negative, why?
Questions and comments?
- Art.11: positive /negative?
If negative, why?
Questions and comments?
- Art.12: positive /negative?
If negative, why?
Questions and comments?
- Art.13: positive /negative?
If negative, why?
Questions and comments?
- Art.14: positive /negative?
If negative, why?
Questions and comments?



- Art.15: positive /negative?
 If negative, why?
 Questions and comments?
- Art.16: positive /negative?
 If negative, why?
 Questions and comments?
- Art.17: positive /negative?
 If negative, why?
 Questions and comments?
- Art.18: positive /negative?
 If negative, why?
 Questions and comments?
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
 - Art.19: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.20: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.21: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.22: positive /negative?
 If negative, why?
 Questions and comments?

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- Art.23: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.24: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.25: positive /negative?
 If negative, why?
 Questions and comments?
 - Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
 - Art.26: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.27: positive /negative?
 If negative, why?
 Questions and comments?
 - Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
 - Art.28: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.29: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.30: positive /negative?
 If negative, why?
 Questions and comments?

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- Art.31: positive /negative?
 If negative, why?
 Questions and comments?
 - Chapter III – Transitional and Final Provisions (Art.32-35):
 - Art.32: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.33: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.34: positive /negative?
 If negative, why?
 Questions and comments?
 - Art.35: positive /negative?
 If negative, why?
 Questions and comments?

ANNEXES:

- ANNEX I: positive/ negative?
 If negative, why?
 Questions and comments?
- ANNEX II: positive/ negative?
 If negative, why?
 Questions and comments?
- ANNEX III: positive/ negative?
 If negative, why?
 Questions and comments?

- ANNEX IV: positive/ negative?
 If negative, why?
 Questions and comments?
- ANNEX V: positive/ negative?
 If negative, why?
 Questions and comments?
- ANNEX VI: positive/ negative
 If negative, why?
 Questions and comments?
- ANNEX VII: positive/ negative?
 If negative, why?
 Questions and comments?
- ANNEX VIII: positive/ negative?
 If negative, why?
 Questions and comments?



<u>Detailed questions on the proposal:</u>

1. Do you think the Principle of Subsidiarity is adequately recognized in the Proposal? Does it seem that the Member States still have enough autonomy (current fund: 76% through shared management, 24% through direct/ indirect management → new proposal: 60% through shared management, 40% through direct, indirect and shared management)? **(Art. 8-11)** If your answer is no, please elaborate:
2. Do you think the crisis years of 2015-2016 should be considered as criteria for the distribution key? Are you in favor that for initial allocation the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years on the basis of data provided by Member States? **[ANNEX I]** If no, please elaborate:

3. Do you think the stated allocation process and the pre-financing at the beginning of the financial period and the years after that (**Art. 11 (a), [ANNEX I]**) will be adequate for a successful implementation of the fund? If no, please elaborate:
4. Are you in favor that the global budget should be distributed among MS based on the following criteria: 30% for asylum, 30% for legal migration and integration and 40% for countering irregular migration including returns? (**[ANNEX I], 1. (b)**) If no, please elaborate:
5. Do you think the specific objectives and implementation measures are sufficient? Would you like to have any changes? (**Art.3, ANNEX II**) If yes, which?
6. What is your opinion on splitting up the managing of integration measures between the AMF (short-term or early integration measures linked to the reception) and the ESF+ (long-term socio-economic integration of third-country nationals)? (**Art.3(2)(b), ANNEX II (2)(b), ANNEX III (3)(g)**)
7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?
8. Concerning the Mid-Term Review: Do you think that the percentage which needs to be reached to be eligible for top-ups (10%) should be decreased or even deleted? Do you think it would hinder certain MS in getting additional funds? (**Art.14 in particular number (2)**)
9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:
10. Are you in favor of the 10% which are proposed for the operating support or would you like to have a higher percentage? (**Art.18**)
11. Is the funding of the external dimension and the increased complementarity with the external instruments an important topic for you? (**Art.5,6**) If no, please elaborate:
12. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**) If no, please elaborate:
13. Do you think the output and result indicators are sufficient? Which changes would you like to see? (**ANNEX VIII**)

14. **CPR:** What is your opinion on using Simplified Cost Options (SCOs) – will they reduce the administrative burden? Did you have problems in terms of the implementation of SCOs in your countries during the current financial period? Do you think it would be beneficial for the implementation, if the COM would publish guidelines on the use of SCOs?
15. **(Art. 2(28) of the CPR):** Do you think that the harmonization of the regular calendar year (01.01.n-31.12.n) and the accounting year of the COM would lead to less administrative burden?
16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?
17. **(Art.71 of the CPR):** Did you have problems in communicating with your audit authorities and do you think there should be a clearer definition of tasks and responsibilities for the audit authorities?