



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Council Secretariat
to: Delegations

No. Cion prop.: 17287/11 JAI 852 ENFOPOL 408 PROCIV 156 CADREFIN 147 CODEC 2140

No prev. doc.: 17056/12 JAI 859 ENFOPOL 401 PROCIV 206 CADREFIN 495 CODEC 2878

Subject: Proposal for a Regulation of the European Parliament of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management
- *Outcome of Coreper on 19 December*

1. On 19 December 2012, Coreper reached a partial general approach on the draft Regulation as set out in the Annex. This partial general approach will constitute the basis for the upcoming negotiations with the European Parliament in the context of the ordinary legislative procedure.
2. The provisions with budgetary implications are excluded from the scope of the partial general approach as the decision will be taken at horizontal level. These provisions are indicated in square brackets and will be considered in line with the final amounts at a later stage.

2011/0368 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1), 84 and 87(2) thereof,

Having regard to the proposal from the European Commission¹,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee²,Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union's objective of ensuring a high level of security within an area of Freedom, Security and Justice (Article 67(3) of the Treaty on the Functioning of the Union) should be achieved, inter alia, through measures to prevent and combat crime as well as through measures for coordination and cooperation between law enforcement authorities of Member States and with relevant third-countries, international organisations
- (2) To achieve this objective, enhanced actions at Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism, organised and itinerant crime, drug trafficking, corruption, cyber crime, trafficking in human beings and arms, inter alia, continue to challenge the internal security of the Union.

¹ O J C ...

² O J C ...

³ O J C...

- (3) The Internal Security Strategy for the European Union, adopted by the Council in February 2010⁴, constitutes a shared agenda for tackling these common security challenges. The Commission's Communication of November 2010 "The EU Internal Security Strategy in Action"⁵ translates the strategy's principles and guidelines into concrete actions by identifying five strategic objectives: to disrupt international crime networks, to prevent terrorism and address radicalisation and recruitment, to raise levels of security for citizens and businesses in cyberspace, to strengthen security through border management and to increase Europe's resilience to crises and disasters.
- (4) Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and the rule of law as well as a strong focus on the global perspective and the inextricable link with external security should be key principles guiding the implementation of the Internal Security Strategy.
- (5) To promote the implementation of the Internal Security Strategy and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support by setting up an Internal Security Fund.
- (5a) In order to measure achievements of this Fund, common indicators should be established in relation to each specific objective of this Instrument. The measurement of the achievement of the specific objectives through the common indicators does not render the implementation of the actions related to these indicators mandatory.
- (5b) The EU policy cycle, established by the Council on 8-9 December 2010, aims at tackling the most important serious and organised criminal threats to the EU in a coherent and methodological manner through optimum co-operation between the relevant services. To support an effective implementation of this multi-annual cycle, funding under this instrument should make use, of all possible methods of implementation as set out in Article 58 of Regulation (EU, EURATOM) N° 966/2012 [new Financial Regulation], including, where appropriate Article 58(1)(c), to ensure the timely and efficient delivery of the activities and projects.

⁴ Council doc. 7120/10

⁵ COM (2010) 673 final

- (6) Due to the legal particularities applicable to Title V of the Treaty, it is not possible to establish the Internal Security Fund as a single financial instrument.
- (7) The Fund should therefore be established as a comprehensive framework for EU financial support in the field of internal security comprising the instrument established by this Regulation as well as the Instrument set up by Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa⁶. The comprehensive framework should be complemented by Regulation (EU) No XXX/2012⁷ laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.
- (8) The global resources for this Regulation and for Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa should jointly establish the financial envelope for the entire duration of the Fund, which should constitute the prime reference for the budgetary authority during the annual budgetary procedure in accordance with Point 17 of the Inter-institutional Agreement.
- (9) Within the comprehensive framework of the Internal Security Fund, the financial assistance provided under this Instrument should support police cooperation, exchange of information and access to data, crime prevention, the fight against cross-border, serious and organised crime including terrorism and violent extremism, the protection of people and critical infrastructure against security related incidents and the effective management of security related risks and crisis, taking into account common policies (strategies, policy cycles, programmes and action plans), legislation and practical co-operation.

⁶ OJ L...

⁷ OJ L...

- (10) Financial assistance in these areas should in particular support actions promoting cross-border joint operations, access to and exchange of information, exchange of best practices, facilitated and secure communication and coordination, training and exchange of staff, analytical, monitoring and evaluation activities, comprehensive threat and risk assessments in accordance with the competences as set out in the Treaty, awareness raising activities, testing and validation of new technology, forensic science research, the acquisition of technical interoperable equipment and cooperation between Member States and relevant Union Bodies, including Europol.
- (10a) Within the comprehensive framework of the Union's anti-drugs strategy that advocates a balanced approach based on simultaneous reduction of supply and demand, the financial assistance provided under this Instrument should support all actions aimed at preventing and combating the trafficking of drugs (supply reduction), and in particular measures targeting the production, manufacture, extraction, sale, transport, importation and exportation of illegal drugs, including the possession and purchase with a view to engage in drug trafficking activities.
- (11) Measures in and in relation to third countries supported through this Instrument should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.
- (12) This Instrument should be implemented in full respect with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

- (13) To ensure a uniform implementation of the Internal Security Fund, the Union budget allocated to this financial instrument should be implemented by shared management, with the exception of actions of particular interest to the Union (Union actions), emergency assistance and technical assistance, which are implemented in direct and indirect management.
- (14) The resources allocated to Member States for implementation through their national programmes should be distributed on the basis of clear and objective criteria relating to the public goods to be protected by Member States and the degree of their financial capacity to ensure a high level of internal security, such as the size of their population, their territorial size, the number of passengers and cargo processed through international air, and seaports, and their gross domestic product.
- (15) To reinforce solidarity and responsibility sharing for common Union policies, strategies and programmes, Member States should be encouraged to use the part of the global resources available for the national programmes to address the strategic Union priorities set out in the annex to this Regulation. For projects addressing these priorities, the Union contribution to their total eligible cost should be increased to 90%, in accordance with Regulation (EU) No XXX/2012 [Horizontal Regulation].
- (16) The ceiling for resources which remain at the disposal of the Union should be complementary to the resources allocated to Member States for the implementation of their national programmes. This will ensure that the Union is able, in a given budget year, to support actions which are of particular interest to the Union, such as studies, testing and validation of new technologies, transnational projects, networking and exchange of best practices, monitoring of the implementation of relevant Union law and Union policies and actions in relation to and in third-countries. The actions supported should be in line with the priorities identified in relevant Union strategies, programmes, action plans and risk and threat assessments.
- (17) To strengthen the EU's capacity to react immediately to security-related incidents or newly emerging threats for the Union, it should be possible to provide emergency assistance, in accordance with the rapid response mechanism set out in Regulation (EU) No XXX/2012 [Horizontal Regulation].

- (18) Funding from the Union budget should concentrate on activities where the Union intervention can bring additional value compared to action of Member States alone. As the Union is in a better position than Member States to address cross-border situations and to provide a platform for common approaches, activities eligible for support under this Regulation should contribute in particular to strengthening national and Union capabilities as well as cross-border cooperation and coordination, networking, mutual trust and the exchange of information and best practices.
- (18a) In the application of the Regulation, including the preparation of delegated acts, the Commission should consult experts from all Member States.
- (19) In order to supplement or amend provisions in this Instrument regarding the definition of strategic Union priorities, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission which should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council
- (20) In order to ensure a uniform, efficient and timely application of the provisions of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission exercise of implementing powers.
- (21) Council Decision 2007/125/JHA of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention of and Fight against Crime'⁸ should be repealed, subject to the transitional provisions set out in this Regulation.

⁸ OJ L 58 of 24.2.2007 p.7.

- (22) Since the objectives of this Regulation, namely strengthening coordination and cooperation between law enforcement authorities, preventing and combating crime, protecting people and critical infrastructure against security related incidents and enhancing the capacity of Member States and the Union to manage effectively security related risks and crisis, cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (23) (deleted)
- (24) *(is missing in the original proposal)*
- (25) (deleted)
- (26) (deleted)
- (27) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (28) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland *has notified its wish to take part in the adoption and application of this Regulation.*

- (29) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom *is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.*

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose and scope

1. This Regulation establishes the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (hereinafter referred to as '*the Instrument*'), as part of the Internal Security Fund (hereinafter referred to as '*the Fund*').

Jointly with Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, this Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Internal Security Fund.

2. This Regulation lays down
 - (a) the objectives, eligible actions and strategic priorities for financial support to be provided under the Instrument;
 - (b) the general framework for the implementation of eligible actions;
 - (c) the resources made available under the Instrument from 1 January 2014 to 31 December 2020 and their distribution.
3. This Regulation provides for the application of the rules set out in Regulation (EU) No XXX/2012 [Horizontal Regulation].

4. The Instrument shall not apply to matters that are covered by the Justice programme, as set out in Regulation (EU) No XXX/2012⁹. However this Instrument may cover actions which aim at encouraging cooperation between judicial authorities and law enforcement authorities.
5. Synergies, consistency and complementarity shall be sought with relevant other financial instruments of the Union, such as the Civil Protection Mechanism, Horizon 2020, the Health for Growth Programme, the solidarity fund and external aid instruments. Actions financed under this Regulation shall not receive financial support for the same purpose from other Union financial instruments.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply

- (a) 'police cooperation' means the specific measures and types of cooperation involving all the Member States' relevant authorities as referred to in Article 87 of the Treaty on the Functioning of the European Union.
- (b) 'exchange of and access to information' means the collection, storage, processing, analysis and exchange of information relevant to the authorities as referred to in Article 87 of the Treaty of the Functioning of the European Union in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular cross-border, serious and organised crimes.
- (c) 'crime prevention' means all measures that are intended to reduce or otherwise contribute to reducing crime and citizens' feeling of insecurity, as defined in Council Decision 2009/902/JHA of 30 November 2009 setting-up a European Crime Prevention Network (EUPCN)¹⁰ and repealing Decision 2001/427/JHA.

⁹ OJ L ...

¹⁰ OJ L 321 of 8.12.2009, p.44.

- (d) 'organised crime' means a punishable conduct committed in the context of a structured association of more than two persons, existing for a period of time and acting in concert in order to obtain, directly or indirectly, a financial or other material benefit.
- (e) 'terrorism' means any of the intentional acts and offences as defined in Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism, as amended by Framework Decision 2008/919/JHA of 28 November 2008.
- (ee) 'drug trafficking' means the production, manufacture, extraction, sale, transport, importation and exportation of illegal drugs, including drug precursors;
- (f) 'risk and crisis management' means any measure relating to the assessment, prevention, preparedness and consequence management of terrorism and other security-related risks.
- (g) 'prevention and preparedness' means any measure aimed at preventing and/or reducing risks linked to possible terrorist attacks or other security related incidents.
- (h) 'consequence management' means the effective coordination of measures taken in order to react to and to reduce the impact of the effects of a terrorist attack or any other security related incident in order to ensure an effective coordination of actions at national and/or EU level.
- (i) 'critical infrastructure' means an asset, system or part thereof which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State or in the Union as a result of the failure to maintain those functions.
- (j) 'emergency situation' means any security-related incident or newly emerging threat which has or may have a significant adverse impact on the security of people in one or more Member States.

Article 3

Objectives

1. The general objective of the Instrument shall be to contribute to ensuring a high level of security in the European Union.
2. Within the general objective set out in paragraph 1, the Instrument – in line with the priorities identified in relevant Union strategies, policy cycles, programmes, threat and risk assessments – shall contribute to the following specific objectives:
 - (a) crime prevention, combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities of Member States and between those authorities and Europol.
 - (b) enhancing the capacity of Member States and the Union for managing effectively security-related risks and crisis, and preparing for and protecting people and critical infrastructure against terrorist attacks and other security related incidents.

The achievements of the specific objectives of this Instrument shall be measured through common indicators as set out in Annex II and specific programme indicators included in national programmes.

3. To achieve these objectives, the Instrument shall contribute to the following operational objectives by promoting and developing:
 - (a) measures strengthening Member States' capability to prevent crime and combat cross-border, serious and organised crime including terrorism, violent extremism, corruption, drug trafficking trafficking in human beings and arms, child pornography, as well as ensuring security for citizens and businesses in cyber space, in particular through public-private partnerships, the exchange of information and best practices, access to data, interoperable technologies, comparable statistics, applied criminology, public communication, and awareness raising.

- (b) administrative and operational coordination, cooperation, mutual understanding and the exchange of information among Member States' law enforcement authorities, other national authorities, relevant Union bodies, in particular, Europol, and, where appropriate, with third-countries and international organisations.
- (c) training schemes in implementation of European training policies, including through specific Union law enforcement exchange programmes, in order to foster a genuine European judicial and law enforcement culture.
- (d) measures and best practices for the protection and support of witnesses and victims of crime, including victims of terrorism.
- (e) measures strengthening Member States' administrative and operational capability to protect critical infrastructure in all sectors of economic activity, including through public-private partnerships and improved coordination, cooperation, exchange and dissemination of know how and experience within the Union and with relevant third-countries.
- (f) secure links and effective coordination between existing sector-specific early warning and crisis cooperation actors at Union and national level, including situation centres in order to enable the quick production of comprehensive and accurate overviews in crisis situations, coordinate response measures and share open, privileged and classified information.
- (g) measures strengthening the administrative and operational capacity of the Member States and the Union to develop comprehensive threat and risk assessments in order to enable the Union to develop integrated approaches based on common and shared appreciations in crisis situations and to enhance mutual understanding of Member States' and partner countries' various definitions of threat levels.

4. The Instrument shall also contribute to the financing of technical assistance at the initiative of the Member States and the Commission.

Article 4

Eligible actions under National Programmes

1. Within the objectives defined in Article 3, and in line with the objectives of the national programme defined in Article 6, this Instrument shall support actions in Member States, and in particular those from the following non exhaustive list:
 - (a) actions improving police cooperation and coordination between law enforcement authorities and, where appropriate, involving Europol and Eurojust, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;
 - (b) projects promoting networking, public-private partnerships, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and foresight, contingency planning and interoperability;
 - (c) analytical, monitoring and evaluation activities, including studies and threat, risk and impact assessments;
 - (d) awareness raising, dissemination and communication activities;
 - (e) acquisition, maintenance and/ or further upgrading of systems and technical equipment, including testing compatibility of systems, secure facilities, infrastructures, related buildings and systems, especially ICT systems and their components, including for the purpose of setting up national passenger information units for the collection, processing, analysis and exchange of passenger name record data, European cooperation on cyber security and cyber crime, notably with the European Cybercrime Centre.
 - (f) exchange, training and education of staff and experts of relevant authorities, including language training and joint exercises or programmes;

- (g) measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union funded security research projects.
2. Within the objectives referred to in Article 3, the Instrument may also support the following actions in relation to and in third-countries:
- (a) actions improving police cooperation and coordination between law enforcement authorities, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;
 - (b) networking, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and foresight, contingency planning and interoperability;
 - (c) Exchange, training and education of staff and experts of relevant authorities.

Article 5

Global resources and implementation

1. The global resources for the implementation of this Regulation shall be [EUR 1,128 million].
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Framework.
3. The global resources shall be implemented through the following means:
 - (a) national programmes, in accordance with Article 6;
 - (b) Union actions, in accordance with Article 7;
 - (c) technical assistance, in accordance with Article 8;

- (d) emergency assistance, in accordance with Article 9;
4. The budget allocated under the Instrument shall be implemented under shared management in accordance with Article 58(1)(b) of Regulation (EU) No 966/2012 [New Financial Regulation]¹¹, with the exception of the Union actions referred to in Article 7, the technical assistance referred to in Article 8(1) and the emergency assistance referred to in Article 9.
5. The global resources shall be used indicatively as follows:
- (a) [EUR 789.6 million] for the national programmes of Member States;
 - (b) [EUR 338.4 million] for Union actions, emergency assistance and technical assistance at the initiative of the Commission.
6. Jointly with the global resources established for Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, the global resources available for this Regulation as established in paragraph 1 constitute the financial envelope for the Internal Security Fund and serve as the prime reference for the budgetary authority during the annual budgetary procedure within the meaning of Point 17 of the Inter-institutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management¹².
7. (deleted)
8. (deleted)

Article 6

National Programmes

1. The national programme to be prepared under the Instrument and the one to be prepared under Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa shall be proposed to the Commission as one single national programme for the Fund, in accordance with Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation].

¹¹ OJ L ...

¹² COM(2011)403 final

2. Under the national programmes to be examined and approved by the Commission pursuant to Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation], Member States shall, within the objectives defined in Article 3, pursue in particular the strategic Union priorities listed in the annex to this Regulation, taking account of the outcome of the dialogue referred to in Article 13 of Regulation (EU) No. XXX/2012 [Horizontal Regulation]. Member States shall not use more than 10% of their total allocation of the national programme for maintenance and not more than 10% for actions in relation to or in third-countries.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 11 to amend the annex referred to in paragraph 2 by amending, adding or deleting strategic Union priorities.

Article 7

Union actions

1. At the Commission's initiative, this Instrument may be used to finance transnational actions or actions of particular interest to the Union ('Union actions') concerning the general, specific and operational objectives set out in Article 3.
2. To be eligible for funding, Union actions shall be in line with the priorities identified in relevant Union strategies, policy cycles, programmes, threat and risk assessments, and support in particular:
 - (a) preparatory, monitoring, administrative and technical activities, and development of an evaluation mechanism required to implement the policies on police cooperation, preventing and combating crime, and crisis management;
 - (b) transnational projects involving two or more Member States or at least one Member State and one third-country;
 - (c) analytical, monitoring and evaluation activities, including threat, risk and impact assessments and projects monitoring the implementation of Union law and Union policy objectives in the Member States;

- (d) projects promoting networking, public-private partnerships, mutual confidence, understanding and learning, identification and dissemination of good practices and innovative approaches at Union level, training and exchange programmes;
- (e) projects supporting the development of methodological, notably statistical, tools and methods and common indicators;
- (f) the acquisition, maintenance and/or further upgrading of technical equipment, secure facilities, infrastructures, related buildings and systems, especially ICT systems and their components at the Union level, including for the purpose of European cooperation on cyber security and cyber crime, notably a European Cybercrime Centre;
- (g) projects enhancing awareness of Union policies and objectives among stakeholders and the general public, including corporate communication on the political priorities of the Union;
- (h) particularly innovative projects developing new methods and/or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union funded security research projects;
- (i) studies and pilot projects;
- (j) (deleted)

2a. Within the objectives referred to in Article 3, the Instrument shall also support actions in relation to and in third-countries, and in particular the following:

- (a) actions improving police cooperation and coordination between law enforcement authorities, and, where applicable, international organisations, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;

- (b) networking, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and foresight, contingency planning and interoperability;
 - (c) acquisition, maintenance, and/or further upgrading of technical equipment, including ICT systems and their components;
 - (d) exchange, training and education of staff and experts of relevant authorities, including language training;
 - (e) awareness raising, dissemination and communication activities
 - (f) threat, risk and impact assessments;
 - (g) studies and pilot projects.
3. Union actions shall be implemented in accordance with Article 7 of Regulation (EU) No XXX/2012 [Horizontal Regulation].

Article 8

Technical assistance

1. At the initiative of and/or on behalf of the Commission, the Instrument may contribute up to [EUR 800,000] annually for technical assistance to the Internal Security Fund, in accordance with Article 10 of Regulation (EU) No XXX/2012 [Horizontal Regulation].
2. At the initiative of a Member State, the Instrument may contribute up to 5% of the total amount allocated to the Member State plus EUR [200.000] to technical assistance under the national programme, in accordance with Article 20 of Regulation (EU) No XXX/2012 [Horizontal Regulation].

Article 9

Emergency assistance

1. This Instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation, as defined in point (j) of Article 2.
2. Emergency assistance shall be implemented in accordance with the mechanism laid down in Article 7 and 8 of Regulation (EU) No XXX/2012 [Horizontal Regulation].

Article 10

Resources for eligible actions in the Member States

1. [EUR 789.6 million] shall be allocated to the Member States indicatively as follows:
 - (a) 30% in proportion of the size of their total population;
 - (b) 10% in proportion to the size of their territory
 - (c) 15% in proportion to the number of passengers and 10% to the tons of cargo processed through their international air and sea ports;
 - (d) (deleted)
 - (e) 35% in inverse proportion to their Gross Domestic Product (purchasing power standard per inhabitant).
2. The reference figures for the data referred to in paragraph 1 shall be the latest statistics produced by the Commission (Eurostat), on the basis of data provided by Member States in accordance with Union law. The reference date is 30 June 2013.

Article 11

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of seven years from [*date of entry into force of this Regulation*]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the seven year period. The delegation of power shall be tacitly extended for a period of three years, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 12

Committee procedure

1. The Commission shall be assisted by the common committee 'Asylum and Migration and Internal Security Funds' established by Article 55(1) of Regulation (EU) No XXX/2012 [Horizontal Regulation].

Article 13

Applicability of Regulation (EU) No XXX/2012

The provisions of Regulation (EU) No XXX/2012 [Horizontal Regulation] shall apply to the Instrument.

Article 14

Repeal

Council Decision 2007/125/JHA is repealed with effect from 1 January 2014.

Article 15

Transitional provisions

1. This Regulation shall not affect the continuation or modification, including the total or partial cancellation of the projects until their closure or the financial assistance approved by the Commission on the basis of Council Decision 2007/125/JHA, or any other legislation applying to that assistance on 31 December 2013.
2. When adopting decisions on co-financing under the Instrument, the Commission shall take account of measures adopted on the basis of Council Decision 2007/125/JHA before [*date of publication in the Official Journal*] which have financial repercussions during the period covered by that co-financing.
3. Sums committed for co-financing approved by the Commission between 1 January 2011 and 31 December 2014 for which the documents required for closure of the operations have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2017, giving rise to the repayment of amounts unduly paid.

Amounts relating to operations which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.

4. (deleted)

5. The Commission shall submit to the European Parliament and the Council, by 31 March 2015, an ex-post evaluation of Council Decision 2007/125/JHA for the period 2007 to 2013.

Article 16

Review

On the basis of a proposal from the Commission, the European Parliament and the Council shall review this Regulation by 30 June 2020 at the latest.

Article 17

Entry into force and application

This Regulation shall enter into force on the [...] day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

List of Strategic Union Priorities (Article 6 (2))

- Measures preventing all types of crime and fighting cross-border, serious and organised crime, in particular projects implementing relevant policy cycles, drug trafficking, trafficking in human beings, sexual exploitation of children and projects identifying and dismantling criminal networks, enhancing capacities to fight corruption, protecting the economy against criminal infiltration and reducing financial incentives by seizing, freezing and confiscating criminal assets.
- Measures preventing and combating cybercrime and raising the levels of security for citizens and business in cyberspace, in particular projects building capacities in law enforcement and the judiciary, projects ensuring work with industry to empower and protect citizens, and projects improving capabilities for dealing with cyber attacks.
- Measures preventing and combating terrorism and addressing radicalisation and recruitment, in particular projects empowering communities to develop local approaches and prevention policies, projects enabling competent authorities to cut off terrorists from access to funding and materials and follow their transactions, projects protecting the transport of passengers and cargo, projects for the setting up of Passenger Information Units, and projects enhancing the security of explosives and CBRN materials.
- Measures designed to raise Member States' administrative and operational capability to protect critical infrastructure in all economic sectors including those covered by Directive 2008/114, in particular projects promoting public-private partnerships in order to build trust and facilitate cooperation, coordination, contingency planning and the exchange and dissemination of information and good practices among public and private actors.

- Measures increasing Europe's resilience to crisis and disaster, in particular projects promoting the development of a coherent Union policy on risk management linking threat and risk assessments to decision making, as well as projects supporting an effective and coordinated response to crisis linking up existing (sector-specific) capabilities, expertise and situation awareness centres, including those for health, civil protection and terrorism.

ANNEX II

List of common Indicators for the measurement of the Specific Objectives

a) Preventing and combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities of Member States and with relevant third-countries

i. Number of JITs and EMPACT operational projects supported by the Fund, including the participating Member States and authorities

(Subdivision:

1) Leader (Member State)

2) Partners (Member States)

3) participating authorities

4) participating EU-Agency (Eurojust, Europol), if applicable

ii. Number of law enforcement officials trained on cross-border-related topics with the help of the Fund, and the duration of their training (person days)

(Subdivision:

1) by type of crime (Art. 83 TFEU): terrorism, trafficking in human beings and sexual exploitation of women and children; illicit drug trafficking; illicit arms trafficking; money laundering; corruption; counterfeiting of means of payment; computer crime; organised crime); or

2) by horizontal area of law enforcement: information exchange; operational cooperation)

iii. Number and financial value of projects in the area of crime prevention

(Subdivision:

by type of crime (Art. 83 TFEU): terrorism, trafficking in human beings and sexual exploitation of women and children; illicit drug trafficking; illicit arms trafficking; money laundering; corruption; counterfeiting of means of payment; computer crime; organised crime)

b) Enhancing the capacity of Member States and the Union for managing effectively security-related risks and crisis, and preparing for and protecting people and critical infrastructure against terrorist attacks and other security-related incidents

i. Number and tools put in place and/or further upgraded with the help of the Fund to facilitate the protection of critical infrastructure by Member States in all sectors of the economy

ii. Number of projects relating to the assessment and management of risks in the field of internal security supported by the Fund

iii. Number of expert meetings, workshops, seminars, conferences, publications, websites and (online) consultations organised with the help of the Fund

(Subdivision:

1) relating to critical infrastructure protection; or

2) relating to crisis and risk management
