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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment **(first reading)**
- Adoption of the Council's position at first reading and of the statement of the Council's reasons
= Statements

Statement by Denmark

Denmark cannot support the adoption of the Council's position at first reading on the proposal to establish the instrument for financial support for customs control equipment.

Denmark is still deeply concerned that the instrument described in the Council's position at first reading does not constitute an instrument that clearly respects the division of competences and responsibility laid down in the Treaty. It is crucial for Denmark, that a new funding instrument respects that the organization of customs controls is for Member States alone to decide, including assessing the needs they have and, in view of these needs, apply for (co)funding from the EU-instrument based on criteria, which is clear and pre-defined in the regulation itself.

Denmark is thus still of the opinion that (co)funding of customs equipment would be more appropriately achieved with a customs instrument in line with already known instruments in other areas, which has proven to respect the division of competences and responsibilities of the Treaty.

In addition, the repeatedly asked-for overview of funds already available and used for customs purposes from existing programs, has regrettably not been received. This overview has been deemed crucial to assess the funds that should be included in a new customs instrument, and to what extend funds should be moved from other instruments/programs etc. to a new instrument.

Statement by the Commission

The Commission regrets that the legislator departed in recital 22 from the standard recital agreed in the Interinstitutional Agreement on Better Law-Making. The Commission underlines that the principles agreed in the Common Understanding annexed to this Interinstitutional Agreement already ensure full transparency. The Commission will prepare any delegated acts under this Regulation in line with these agreed principles. The addition to the standard recital should not create a precedent for other cases.