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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 Border Management and Visa Policy (**first reading**)
- Adoption of the Council's position at first reading and of the statement of the Council's reasons
= Statements

Statement by Greece

Greece expresses its concerns about the actual calculations of the national allocations by the European Commission. These calculations for the period 2021-27 seem to result in funding available which is by no means adequate in order to cover the actual needs. Hence there is an imminent risk for a totally undesirable cut-down or *even cut-off* of programmes of reception, integration and protection addressed to asylum claimants and beneficiaries of international protection. Greece is looking forward to working constructively with the European Commission in order to mitigate such risk and to avoid endangering programmes because of lack of necessary funds.

Statement by Malta

We welcome the efforts to reach a provisional agreement with the European Parliament on the Regulation establishing the Asylum and Migration Fund (AMF); the Regulation establishing the Internal Security Fund (ISF) and the Regulation establishing the Border Management and Visa Instrument (BMVI) as part of the Integrated Border Management Fund, as outlined in ST 6486/21, ST 6487/21 and ST 6488/21 respectively. In view of the need to establish the respective funds for 2021-2027 as soon as possible, Malta can accept the provisional agreements reached.

However, Malta recalls the concerns raised on the conditionality of 10% included horizontally in the mid-term review for all three funds. Malta remains of the opinion that such a conditionality raises difficulties in the implementation and may result in the unnecessary loss of funds.

Statement by Slovenia

The Republic of Slovenia supports the adoption of the multi-annual financial framework as soon as possible and greatly appreciates the efforts and efficiency of previous Presidencies in dealing with these three very difficult dossiers (funds).

The Republic of Slovenia welcomes the inclusion of some of the proposed elements in the existing compromise proposal; however, it still does not adequately address the situation at the external Schengen borders that are not external EU borders, which is something we kept raising throughout the negotiations.

The negotiations laid bare all the difficulties and unwanted consequences the Republic of Slovenia may face because the specific status of this border has never been clearly or adequately defined in different legal instruments.

Over the past years, EU legislation has imposed a lot of additional obligations to be implemented at external borders, which in most cases include the external Schengen borders. It started with the introduction of mandatory systematic checks of all travellers and travel documents and has now moved on to the Entry-Exit system, EUROSUR, as well as the Integrated Border Management Fund and the “screening” regulation.

The Republic of Slovenia is aware of its obligations and intends to fully meet them. That said, it is not reasonable to expect that all the costs of the infrastructure upgrades will be fully borne by the Republic of Slovenia from the national budget.

We find it unacceptable that all this time we have been at a disadvantage compared to the countries at the ‘permanent’ Schengen border, and we therefore wish to find an appropriate solution.

We have been facing the same problem in the existing Multiannual Financial Framework (2014-2020), which contains the same limitations and which have proved to be very problematic in practice.

With this declaration, therefore, we wish to highlight in particular how important it is to pay due attention to the specific situation at the external Schengen borders that are not external EU borders.

Article 5/4a does not adequately address the specificity of those internal borders at which controls have not yet been lifted. The recital 24, with its current wording, is of little use, as it still does not justify investment in the construction of new/additional infrastructure at the border with the Republic of Croatia.

In practice, for the Republic of Slovenia this means that we cannot finance, for example, the enlargement of border crossing points or the construction of new infrastructure from the EU funds, we can only upgrade (replace or maintain) the existing infrastructure.

The Republic of Slovenia believes that all the problems and undesired consequences that we might face due to the specific situation at our external Schengen borders that are not external EU borders could be avoided if buildings, systems and activities were included in the recital 24 in addition to infrastructure.