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**LIMITE**

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**WORKING PAPER**

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**WORKING DOCUMENT**

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From:	Presidency
To:	Ad Hoc Working Party on JHA Financial instruments
Subject:	Compilation of replies from Member States on the questionnaire on the Asylum and Migration Fund.

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With reference to the Ad Hoc Working Party on JHA Financial instruments meeting on 20 July 2018, delegations will find a revised compilation of replies from Member States on the questionnaire on the Asylum and Migration Fund.

# BULGARIA

## PROPOSAL:

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

- Art.1: positive

- Art.2: positive

Do you have questions and comments regarding this article?

Definition for “short term/ early integration measures” could be included in order to achieve better coordination with the ESF+.

- Art.3: positive

Do you have questions and comments regarding this article?

Following the comment on Article 2 in Article 3 (2) b clarification of term “integration of third country nationals” is necessary.

- Art.4: positive

Do you have questions and comments regarding this article?

Following the comments on Articles 2 and 3 in Article 4 clarification of term “integration of third country nationals” is necessary with connection to Annex II.

- Art.5: positive

- Art.6: positive

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

- Art.7: positive

Questions and comments?

Concerning Para 3 it should be noted that the methods of implementation of the budget are set in Article 58 (1) a), b) and c) of the Financial Regulation.

- Art.8: positive
- Art.9: positive
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: positive

Questions and comments?

In the Bulgarian version of the proposal for AMF Regulation in Para 1 of Article 10 reference is made to Article 7 and 8, instead of Article 8 and 9.

In Para 2 (English version) Article 63 of Financial Regulation is referred to. Is this reference correct? In principle Shared Management is set in Article 59?
  - Art.11: positive
  - Art.12: positive
  - Art.13: positive

Questions and comments?

In view of the possibility envisaged under Article 13 the EC to ensure that the European Union Agency for Asylum and the European Border and Coast guard Agency are associated to the process of developing the programmes and also in monitoring and evaluation tasks relevant to the implementation of the national programmes we consider that the role of the agencies in these tasks need to be clearly defined so as to achieve coordination of the different parties participating in this process.
  - Art.14: positive
  - Art.15: positive
  - Art.16: positive
  - Art.17: positive

- Art.18: negative

Questions and comments?

Comments are stated in reply to the specific question bellow.

- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):

Art.19: positive

Questions and comments?

It should be noted that the methods of implementation of the budget are set in Article 58 (1) a), b) and c) of the Financial Regulation.

- Art.20: positive

- Art.21: positive

- Art.22: positive

- Art.23: positive

- Art.24: positive

- Art.25: positive

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):

- Art.26: positive

- Art.27: positive

- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):

- Art.28: positive

- Art.29: positive

- Art.30: positive

- Art.31: positive

- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: positive
  - Art.33: positive
  - Art.34: positive
  - Art.35: positive

**ANNEXES:**

- ANNEX I: negative

Questions and comments?

Para 1 – We would ask whether the distribution of funds for national programmes at EU level 30 % for asylum/30 % for integration/40% for return will apply also for the distribution at the level of each national programme. If this distribution applies also to each national programme, we suggest the allocation for return to be increased.

Para 5 – We consider that the reference figures have to cover the whole period 2014-2020 thus including the years with enhanced migration pressure to the EU external borders. In this way the migration and asylum situation in the EU MS will be better reflected. It is important to ensure adequate support to those EU MS that could be exposed at new mass influx of migrant flows in view of the future prospects for possible enhancement of migration pressure.

In case as reference figures are used the 2017,2018 and 2019 what will be the timing for announcing the MS allocations so as to provide enough time for programming? It should be noted that Eurostat data for 2019 will be available not before early 2020.

- ANNEX II: positive

Questions and comments?

Para 2b - Definition for “short term/ early integration measures” could be included in order to achieve better coordination with the ESF+.

- ANNEX III: positive

Questions and comments?

In para 3 (g) education is included among the areas of support – clarification is necessary in order to achieve better coordination with the ESF+.

- ANNEX IV: positive

- ANNEX V: negative

Questions and comments?

Indicator 2 under Specific Objective 1 need to be clarified and Indicator 2 under Specific objective 2 is not objective in our opinion as it reflects the considerations of the TCNs.

Indicator 3 under Specific Objective 1 is partial in view of the principle each application to be examined individually considering all facts and circumstances. In this connection we consider that this indicator have to be deleted.

- ANNEX VI: positive

- ANNEX VII: positive

- ANNEX VIII: positive

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

This section is still subject to consultation at national level.

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:

We consider that in Annex I appropriate provisions have to be included for fair distribution of the financial resources and reflecting the situation in the Member States. With reference to the proposed initial distribution of funds whereas reference figures shall be used 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 on the date of applicability of the AMF regulation we suggest the reference figures to cover the whole period 2014-2020 thus including the years with enhanced migration pressure to the EU external borders. In view of the dynamic situation in the EU with regard to the migration and asylum, in this way better reflection of the real situation in the EU MS will be achieved. The EU MS in particular those situated at the external EU borders have to maintain their capacity for reception and accommodation of persons seeking international protection as well as for timely return of the TCNs who do not qualify for international protection. It is important to ensure adequate support to those EU MS that could be exposed at new mass influx of migrant flows in view of the future prospects for possible enhancement of migration pressure. Thus efficient management of migration flows to the EU will be achieved.

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:

The proposal for decreasing the pre-financing could have a negative effect on the national budget and cause a situation in which the beneficiaries would have to implement their projects and achieve results with decreased financial resource and/or under more restrictive rules.

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:

We would ask whether the distribution of funds for national programmes at EU level 30 % for asylum/30 % for integration/40% for return will apply also for the distribution at the level of each national programme. If this distribution applies also to each national programme, we suggest the allocation for return to be increased.

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?

This section is still subject to consultation at national level.

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)**)

We consider that a clear definition of the short-term or early integration measures linked to the reception should be included in the AMF draft Regulation. Thus a better distinction of the support under AMF and ESF+ will be set.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

This section is still subject to consultation at national level.

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)**)

This section is still subject to consultation at national level.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:

This section is still subject to consultation at national level.



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)**

We would suggest increasing the maximum percent of eligible costs for the operating support.

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:

This section is still subject to consultation at national level.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

The proposal for new reporting system (more frequent reporting) could lead to increasing the administrative burden on administrative structures as well as on the beneficiaries.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

This section is still subject to consultation at national level.

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?

We consider as positive aspect of the proposed simplification the increased possibilities for use of forms for granting financial assistance different from recovering actually incurred eligible costs. The introduction of this possibility at the level of allocation of EU co-funding to national programmes enhances the legal certainty as it envisages approval from the EU. At the same time in order these forms to be implemented a preliminary work is necessary on the part of managing authorities for defining these costs still at the programming stage.

**(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?

We share the opinion that the harmonization of the calendar year and the accounting year of the COM would lead to less administrative burden.

15. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

This section is still subject to consultation at national level.

16. **(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?

No, we did not have problems in communication with the audit authorities and we do not consider necessary to introduce clearer definition of tasks and responsibilities for the audit authorities.

# CROATIA

- Chapter I – General Provisions (Art.1-6):
  - Art.1: positive
  - Art.2: positive
  - Art.3: positive
  - Art.4: positive
  - Art.5: positive
  - Art.6: positive
- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: positive
  - Art.8: positive
  - Art.9: positive
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: positive
  - Art.11: positive
  - Art.12: positive
  - Art.13: positive
  - Art.14: negative
    - We believe that introducing such a condition of 10% of payments made by 2024 would limit MS when qualifying for additional funding.
  - Art.15: positive
  - Art.16: positive
    - What about persons who have been resettled, but have fled to another Member State?
    - How long do MS have to keep the data on resettled persons and the date of their resettlement?
  - Art.17: positive
  - Art.18: positive
    - We welcome the introduction of operating support in the Fund. However, we think that 10% of the total amount allocated to the national programme is insufficient for this purpose, in particular having in mind state budget restrictions, both in Croatia and some other Member States facing considerable migratory pressure. Increasing the available amount for operating support would significantly help maintain adequate conditions for reception and accommodation of third-country nationals.

- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: positive
  - Art.20: positive
  - Art.21: positive
  - Art.22: positive
  - Art.23: positive
  - Art.24: positive
  - Art.25: positive
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: positive
  - Art.27: positive
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: positive
  - Art.29: positive
  - Art.30: positive
  - Art.31: positive
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: positive
  - Art.33: positive
  - Art.34: positive
  - Art.35: positive
- ANNEX I: negative
 

The proposed criteria are not adequate; for ex. initiating the procedure for granting international protection represents equal costs and administrative burden for MS regardless of whether the procedure resulted in granting of international protection or not. Therefore, we believe that the number applications made should be given more importance than the number of those granted.
- ANNEX II: positive
- ANNEX III: positive
- ANNEX IV: positive
- ANNEX V: positive
- ANNEX VI: positive
 

We propose including the running costs of reception and accommodation centres.

- ANNEX VII: positive
- ANNEX VIII: positive

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

Yes

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:

Yes

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:

As already stated in the above comment to Annex I, we believe that the proposed criteria are not adequate: for ex. initiating the procedure for granting international protection represents equal costs and administrative burden for MS regardless of whether the procedure resulted in granting of international protection or not. Therefore, we believe that the number applications made should be given more importance than the number of those granted.

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:

Yes

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?

Yes

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)**)

In principle, it was proposed for the ESF+ to provide for long-term social and economic inclusion of third-country nationals, while the AMF would focus on short-term integration measures related to reception (support to specific needs of MS, language learning, civic orientation courses) as well as the development of national integration strategies and enhanced capacities of MS.

The Republic of Croatia does not support separation of integration measures in two different funds. We believe that all integration measures should be dealt with by AMF. It has not been specified how to differentiate between short-term and long-term integration in practice.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

No

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))**

Yes, we believe that it is not necessary to introduce such a condition of 10% of payments made by 2024 when granting additional funding to MS because in practice an MS might not receive the necessary funding in time.

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)**

We welcome the introduction of operating support in the Fund, but we think that 10% of the total amount allocated to the national programme is insufficient for this purpose, in particular having in mind state budget restrictions, both in Croatia and some other Member States facing considerable migratory pressure. Increasing the available amount for operating support would significantly help maintain adequate conditions for reception and accommodation of third-country nationals.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

No, we believe that more frequent reporting would create additional administrative burden.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

Yes

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?

The use of SCOs will not reduce the administrative burden. Detailed analysis and guidelines on the use are necessary. Clear guidelines will most certainly be useful to MS when using SCOs. The new Financial Regulation and the draft proposal for CPR should extend the use of the simplified forms of grants such as lump-sums, flat rates and unit costs. New forms of payments are also introduced based on the results achieved.

The Republic of Croatia still believes that AMIF should not be regulated by the provisions of CPR (thus SCOs would still not be used) as it is a specific area difficult to regulate by provisions which are also common to funds such as the Cohesion Fund, the European Maritime and Fisheries Fund, the European Regional Development Fund and the European Social Fund Plus.

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?

Yes, we support the harmonisation of the financial year and the calendar year.

16. **(Art.74, 75 of the CPR)**: What do you think about the single audit approach?

As already stated above, we believe that AMF should not be part of the new proposal for CPR. Should it be covered by the provisions of the new CPR, we support the introduction of 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?

The Republic of Croatia did not have any problems in communicating with audit authorities. However, we welcome a clearer definition of tasks and responsibilities for those authorities.

# CYPRUS

## **PROPOSAL:**

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

- Art.1:     **positive**

- Art.2:     **positive**

- Art.3:     positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

**Please see answer to question 5.**

- Art.4:     **positive**

If negative, why?

Do you have questions and comments regarding this article?

**Please see answer to question 7.**

- Art.5:     positive /negative?

If negative, why?

Questions and comments?

**Scrutiny reservation, please see answer to question 11.**

- Art.6:     positive /negative?

If negative, why?

Do you have questions and comments regarding this article?

**Scrutiny reservation. Clarifications are needed on 1(a).**



- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7:     **positive**
  - Art.8:     positive /negative?  
If negative, why?  
Questions and comments?  
**Scrutiny Reservation. A budget simulation is required.**
  - Art.9:     **positive**
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10:    **positive**
  - Art.11:    positive\_/negative?  
If negative, why?  
Questions and comments?  
**Scrutiny reservation, since it relates to article 8. A budget simulation is essential for Member States to decide.**
  - Art.12:    positive /negative?  
If negative, why?  
Questions and comments?  
**Scrutiny reservation. Clarifications are needed on the practical implementation of 12 (7).**
  - Art.13:       positive /negative?  
If negative, why?  
Questions and comments?  
**Scrutiny reservation. CY generally does not object to the participation of the agencies, provided that their role will be limited to a consulting nature.**
  - Art.14:    **negative**  
If negative, why?  
Questions and comments?  
**We suggest deletion of the rate proposed. Please see reply to question 8.**

- Art.15: **negative**

If negative, why?

Questions and comments?

**Specific Actions should be defined, since it is not clear what type of actions fall under this category, especially as regards national projects. In addition, clarifications are needed on the reference in (3) of “duly justified circumstances”.**

- Art.16: **positive**

- Art.17: **positive**

- Art.18: **negative**

If negative, why?

Questions and comments?

**Please see reply to question 10.**

- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):

- Art.19: **positive**

- Art.20: **positive**

- Art.21: **positive**

- Art.22: positive /negative?

If negative, why?

Questions and comments?

**Scrutiny reservation. Clarifications are needed on the practical implementation of blending operations.**

- Art.23: **positive**

- Art.24: **positive**

- Art.25: **positive**

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):

- Art.26: **positive**

Questions and comments?

**Clarifications on the practical implementation of (3) is required, especially on how emergency assistance will be earmarked in the Programme.**

- Art.27: **positive**

- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: **negative**  
 If negative, why?  
**Scrutiny reservation. Please see reply to question 12 and related comments on the Annexes.**
  - Art.29: **positive**  
 Questions and comments?  
**Generally, positive, however, please see reply to question 12**
  - Art.30: positive /negative?  
 If negative, why?  
 Questions and comments?  
**Scrutiny reservation on point (3). Please also see reply to question 12.**
  - Art.31: positive /negative?  
 If negative, why?  
 Questions and comments?  
**Scrutiny reservation on point (1). Please also see reply to question 12.**
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: **negative**  
 If negative, why?  
 Questions and comments?  
**CY disagrees with the delegated acts for art. 28 and 31. Please also see reply to question 12.**
  - Art.33: **positive**
  - Art.34: **positive**
  - Art.35: **positive**

## ANNEXES:

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

**Scrutiny reservation on the entire Annex.**
- ANNEX II: positive/ negative?  
If negative, why?  
Questions and comments?  

**Please see answer to question 5, in relation to the suggestion for a new objective, as well as answer to question 6.**
- ANNEX III: positive/ negative?  
If negative, why?  
Questions and comments?  

**Please see Article 3, in relation to the suggestion for a new objective, as well as answer in question 6.**
- ANNEX IV: **positive**
- ANNEX V: positive/ negative?  
If negative, why?  
Questions and comments?  

**CY is positive on point SO1.1 and SO1.2 of the Annex, but negative for point SO1.3 because every asylum application is examined on its own merit/circumstances.**
- ANNEX VI: **positive**
- ANNEX VII: positive/ **negative**?  
If negative, why?  
Questions and comments?  

**Please see reply to question 10.**
- ANNEX VIII: positive/ negative?  
If negative, why?  
Questions and comments?  

**As regards SO2.4, CY holds a negative position on early integration (please see answer in question 6) as well as the difficulty in collecting such type of data.**

### **Detailed questions on the proposal:**

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:

We reserve our position pending simulation on the amounts allocated to each Member State.

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:

Scrutiny reservation.

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:

Scrutiny reservation on Annex I.

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 II**], **1. (b)**) If no, please elaborate:

Scrutiny reservation on Annex I.

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?

CY agrees with the three objectives but would like to add a fourth objective to this particular article: ‘to prevent and, if deemed necessary effectively manage systematic disproportionate migratory pressures’. In that respect, actions to prevent and manage migratory pressures should also be added in ANNEX II (i.e. actions related to allocation).

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))**

This provision is believed to hinder the implementation of projects as regards integration. Firstly, additional administrative burden for both Final Beneficiaries and the RAs (Managing Authorities) would be created. Both parties not only would need to check if the person is legally staying in the MS (as was the case so far) but would also need to check whether they fall in the respective group. Managing Authorities of the Funds' administrative burden would also be increased, as there will be a higher need for coordination so as to avoid double funding and overlaps. This division of groups of persons in need of integration, will also increase the risk of losing funding from both Funds, since more persons may be ineligible to participate in each Fund's project. Moreover, there will be a risk of discrimination, since people, although legally residing, would be refused to participate in the other Fund's project.

Through the experience gained so far during the past programming periods, having a clear managing mode for each objective/targeted group in the most relevant Operational Programme, i) generates gains in terms of efficiency, ii) deters possible duplication and iii) facilitates a more successful implementation. The value added of having concentrated and dedicated funds in one Operational Programme is even more evident in small administrations with limited resources. In this respect – and considering the importance of treating the integration of migrants in a comprehensive and concerted manner - it is our view that all relevant measures should be allocated in one Fund/Operational Programme.

CY considers that this particular provision should be optional for MS and not obligatory, based on each MS decision, or that the provision will include integration measures for both short-term and long term measures under the AMF and include the option to use ESF+ money in case AMF has no longer available resources, or so to complement AMF funding in certain projects with higher funding needs.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

This particular subject should be further discussed at a later stage. Pending current discussions (eg. CEAS) CY is in favour of flexibility regarding target groups (e.g. in the area of asylum, CY would not object to the creation of an indicative catalogue of target groups, if deemed appropriate/helpful by the majority of MS).

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))**

It should be deleted as there would be a possibility of hindering MS in receiving additional funds, especially if allocations are higher than the current programming period and depending on the final adoption of the new Regulations. In case of delays this percentage could be problematical.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

Pending more clarifications from the Committee, the thematic facility appears to provide flexibility during implementation.

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)**

We opt for a higher percentage for operating support (40%) so as to give MS more flexibility while integration related operating support should also be included. Also, please see scrutiny reservation on the participation of the agencies (art. 13).

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:

Scrutiny reservation. CY requests clarifications as regards participation, allocation and use of funding of third countries. Also, further clarifications are needed regarding the source of the funding and identification of the relevant recitals.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)**  
If no, please elaborate:

CY believes that the reporting system as presented, would create excess administrative burden. Firstly, as regards the six reports on indicators per year (one every two months), this is considered to be ineffective, since valid reports on indicators achieved can only be presented upon completion of a project. Reporting on indicators every two months, while projects are ongoing, would increase the risk of presenting the distorted image on results (e.g. a MS could present an estimated x number of targets achieved, but in the following year when results are verified this x number could in fact be decreased). Moreover, especially for AMF-ISF-BMVI, since there will be an annual performance report, the 6 previous reports within the year, appear to be redundant. Finally, CY does not support the delegated act on indicators. Indicators should be decided from the start, as changes during implementation could create problems with the results reported and the beneficiaries of projects (eg. an agreement could be signed for a specific set of indicators which, in case it changes during implementation, it could become more difficult for the beneficiary and the Managing Authority to gather the necessary data for the amended indicators).

As regards the total number of reports within the year, these appear to be excessive. To date, we have been reporting twice a year which in itself appears to be problematic. Although, we are in favour of more than one requests for payment during the year, we reserve our position on the total number of reports.

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?

CY is in favour of the use of SCOs in the implementation of projects since it could reduce the administrative burden. Audit work would be more efficient because it will be focused on verifying the outputs of each operation and the correct implementation of the methodology, instead of verifying each underlying financial document, which can be significantly time consuming. So far, the implementation of SCOs is at an early stage in our country. SCOs have been introduced in certain operations under ESIF, mainly for staff costs. Also, SCOs have been adopted within specific ESF projects under article 14(1) Reg. (EU) 1304/2013, while under the Home Affairs Funds the only SCO used related to the indirect expenses of a project. However, more guidance would be required, since regarding the information provided so far for the current programming period, the implementation of SCOs in projects, requires a lot of study in order to establish in which cases SCOs can be used.

As regards the projects with estimated cost of up to €200.000, CY would prefer that this remained optional, as this is the maximum budget for most of the projects while the majority of projects is implemented through Calls for Proposals, which increase the risk of ineligible expenditure.

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?

Harmonisation of the calendar year and the accounting year of the COM would result to less administrative burden.

Please note that in this case, the deadline for the submission of the Assurance Package will also have to be moved forward.

Approaching the end of the calendar year, the Managing Authorities are giving priority to achieving their budget targets and utilise the remaining budgetary commitments.

As a result, the Accounts and the Annual Summary are finalised by the MA in mid-January and this leaves less time for the AA to complete its work and issue its audit opinion by 15 February.

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

The single audit approach is expected to reduce the administrative burden of beneficiaries.

Application of paragraph 3 could complicate the sampling procedure. These specific thresholds are considered high for Cyprus OPS, meaning that the Audit Authority would have to avoid auditing a significant number of projects more than once. Before carrying out the sampling procedure, the AA will have to identify these projects and decide whether to exclude them from the population or not. In the latter case, if any of these projects is eventually included in the sample, it will have to be replaced by another project.

It is expected that this will create practical problems for the Audit Authority especially in the case of funds with small populations (like AMF, ISF and BMVI) which include a significant portion of projects not exceeding the set threshold. At the end, this might result to repeatedly auditing higher value projects.

Considering the provision of article 74 that the Audit Authority shall first make use of all information and records available in the electronic system, it is expected that the AA could save audit effort since significant audit work could be carried out through desk review. However, the Audit Authority would still have to perform an on the spot audit to verify the physical implementation of the projects.

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?

In comparison to article 127 of the Reg. (EU) 1303/2013, nothing is being mentioned about other auditing bodies that could carry out audit work (paragraphs 2 and 3 of article 127 of the Reg. (EU) 1303/2013).

Regulation should clearly state that audits could be carried out by other competent auditing bodies (e.g. auditing firms) on behalf of the Audit Authority and that the Audit Authority should ensure that any such bodies have the necessary functional independence and carry out audits based on International Auditing Standards.

# CZECHIA

- Chapter I – General Provisions (Art.1-6):
  - Art.1: negative  
The CZ disagrees with the omission of term “Integration” from the name of the Fund. The CZ considers integration of TCNs a crucial part of policy in the area of migration. It is necessary to send a signal towards public that the integration is supported by the EU. Moreover AMIF is well established now and generally accepted, the change in removing “I” might be interpreted as the integration is no longer supported by the EU.
  - Art.2: The CZ would welcome definition of the term “early integration” if this term remains in the text of the regulation which the CZ does not support (see below).
  - Art.5: The CZ would like to receive more information on the proposal of the EC on opening the AMF to the third countries. Especially as regards the concrete mechanisms how would this system work.
- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.9: The CZ would welcome more clarification on paragraphs 3 and 4 (infringement). The CZ would suggest changing wording from “affected by a reasoned opinion” to “affected directly by a reasoned opinion”.
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.11: negative  
The CZ does not support the wording in paragraph 2. There is no reason for giving the remaining amount to the EC. The whole amount should be distributed among member states, if some MS will not be eligible for additional top-up of allocation, the amount should be redistributed among the remaining MS.
  - Art.12: negative  
The CZ disagrees with paragraphs 6 and 7. The CZ strongly supports the current mechanisms for AMIF 2014-2020. The new proposal would mean huge impact on flexibility of the national programme and increase of administrative burden (fixing the co-financing rate in the programme). It gives to the EC more power than it had in 2014-2020. The paragraph 7 is especially dangerous as it suggests that the co-financing rate could be calculated only from the public resources (letter b). This new set up would also mean increase of administration with reporting to the EC, currently for aMIF 2014-2020 only EU contribution is reported, which makes the reporting easy and clear. The new regulation would require reporting all resources of the project in order to calculate the co-financing. The CZ suggests changing the wording of this article to be in line with article 16 of Horizontal regulation 514/2014. The CZ sees no reason for changing a good practice.

- Art.13: negative
 

The CZ strongly disagrees with the wording of paragraph 7 and requests to delete this paragraph. The CZ thinks that higher co-financing rate for actions in Annex IV are sufficient tool to motivate MS and beneficiaries to implement them. The wording of par. 7 saying “*The MS shall **in particular** pursue actions (...) listed in Annex IV*” extremely limits the national programmes and it goes against the previous articles which listed numerous actions in Annexes II and III.

Scrutiny reservation on the role of agencies in the process. The CZ sees the role of agencies as going above their position based on current or proposed legislation.

As regards paragraph 3 the CZ suggest change of wording from “ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities” to “ensuring that the actions implemented with the support of the Fund are compliant with the national programme”. The agencies are consulted during the drafting of the programme and after its adoption it should no longer be put under question if the approved actions are in line with Union acquis.

The CZ would like to ask the EC to present the list of legislation which it considers to be “relevant EU acquis” and to explain the difference between “Union acquis” and “Union values”.
- Art.14: positive
- Art.15: The CZ would welcome more specific rules for implementation of specific actions, for example in a form of EC’s implementing regulation. The specific actions are in general good concept. However based on current experiences from 2014-2020 period it lacks clear rules for implementation, especially as regards the jurisdiction of MS’ RAs, the responsibilities, the legal basis for controls and the usage of common rules.
- Art.16: The CZ suggest removing the wording “*targeted Union resettlement scheme*” as this term is not anymore used in the draft regulation on resettlement framework.
 

The CZ would welcome definition of the term “effectively resettled” in the article 2 in order to remove any doubts on future eligibility.
- Art.17: The CZ suggests bracketing whole article and suspending its negotiation till the time when the new Dublin regulation is finalized.

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: The CZ puts for discussion to redraft paragraph 1 c) from “heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments or conflicts, notably where it might have an impact on migration flows towards the EU.“ to „heavy migratory pressure in third countries, notably where it might have an impact on migration flows towards the EU“. The CZ considers current wording to limiting when not covering for example natural disasters.
  
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.30: The CZ suggest to align the duties for managing authorities of AMF and other Funds. The Commission introduced CPR in order to align rules. The proposed CPR means huge increase of administrative burden. More over compared to other funds article 30 gives to managing authorities other duties – in other Funds there are no annual performance reports, only final one. Combing CPR and article 30 means, that AMF managing authority will report to EC 6 times per year + annual performance report + 4 request for payment + Accounts. The CZ suggests to remove the duty to submit annual performance report.
  - Art.31: positive /negative?
 

We put for discussion if the EC should have power to change the monitoring indicators during the programming period. Change of indicators during the implementation might cause huge troubles of lacking data or data not be comparable.
  
- ANNEX I: Neutral position, without the statistical data it is not possible to assess the position.
  
- ANNEX II: The CZ suggests removing the word “early” from “early integration measures”. The integration is long term process and it does not make any sense to limit it only to early stages. Integration is a complex process and non-complex financing of action could have very negative impact. Based on the last statement of the EC it was explained that “early integration” will not be interpreted with a time parameter however with a type of actions. It was also mentioned that from the view of DG HOME nothing changes compared to AMIF 2014-2020. That is why the CZ considers the word “early” as redundant and possibly problematic for future interpretation by different control bodies. The scope of the Fund is clearly set up by actions mentioned especially in Annex 3 and the word early is not necessary. In case the EC will insists on its position it is crucial for CZ that the term “early integration” is defined in article 2 clearly stating that it is not based on time parameter.
 

The CZ will request the EC to clarify the differences for financing actions from AMF and ESF+.

- ANNEX III: The position towards the early integration measures the same as in Annex II.  
The CZ will request the EC to explain why in the part of Asylum there is mentioned only material assistance, compared to AMIF 2014-2020 where there was more types of assistance.
  
- ANNEX V: CZ considers some indicators as unmeasurable
  - SO2 – 2 – should all persons receive questionnaires? How long after the assistance should the benefit occur? We consider this indicator as highly problematic),
  - SO3 – 1 – the RA does not have access to databases which contains such information.

The CZ is against the attempt of the EC to use Funds as Trojan horse for information from not fully related areas.

<b>Detailed questions on the proposal:</b>
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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:  
  
Considering the general increase of Funding the CZ supports the proposal of the Commission for division 60 to 40.
  
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:  
  
The CZ supports the EC proposal. The statistical data should be the newest available. To consider for funding in years 2021-2027 data from 2015 seems unfortunate.
  
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:  
  
The CZ considers the prefinancing rate to low. This position will be expressed within the negotiations on CPR.

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?

The measures are in general sufficient. The CZ appreciates that they are clearer than for 2014-2020. The limitation of support only to early integration measures is considered problematic (see above).

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)**)

See above

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)**)

The CZ supports the current wording.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:

Yes

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**)

The CZ supports the current wording.

12. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**) If no, please elaborate:

No. The new system extremely increases administrative burden without explaining why. The EC never presented any analyses showing, that the current system is insufficient. The EC never mentioned that there are any problems with the reporting. The CZ suggest deleting the duty to have an annual performance report (see article 30). During the negotiations on CPR the CZ will propose decreasing the number of reports per year.

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?

The missing guidelines are alpha and omega of SCOs options. The CZ does not think that proper reaction for not enough usage of SCO is to make them compulsory. MS have been asking the EC to provide guideline since the beginning of the implementation but we still have not received anything valuable. The CZ considers compulsory usage of SCO as unfortunate solution.

# ESTONIA

In general, we support the Commission's proposal. However, the Estonian Government has not yet confirmed our official positions. Therefore, we can bring out our preliminary comments and questions about the regulation. In general, we welcome the increase of the financing the migration and asylum policy. In addition, we can in principle support the structure for using the Fund's resources and that similar activities to the current period are also covered in the new regulation.

- Chapter I – General Provisions (Art.1-6):
  - Art.1: In general positive.
  - Art.2: In general positive. However, in Art(2) both definitions of „humanitarian admission“ and „resettlement“ have been brought out in the meaning of EURF. Art 9 (General provisions on the implementation of the thematic facility) only mentions „resettlement“ among the thematic components. We would like to clarify whether there is a deliberate distinction that only the term „resettlement“ has been used and this is a priority ahead of the „humanitarian admission“ or still both reception forms are covered? If both reception forms should be covered then also both terms should be used throughout.
  - Art.3: In general positive. However, regarding the Art 3 (2a) there is a question whether also the landing sites in third countries are meant under the CEAS external dimension?
  - Art.4: In general positive.
  - Art.5: In general positive?
  - Art.6: In general positive
- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: In general positive
  - Art.8: In general positive
  - Art.9: In general positive
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: In general positive
  - Art.11: In general positive
  - Art.12: In general positive
  - Art.13: In general positive. We support that the draft regulation does not set mandatory levels for Member States in terms of the specific objectives of the Fund. It should provide Member States with the necessary flexibility to achieve the results of EU policy objectives.
  - Art.14: In general positive.
  - Art.15: In general positive.



- Art.16: In general positive. We have a proposal that instead of „*resettled persons*“ the term „*admitted persons*“ should be used to cover both forms of reception.
- Art.17: Analysis reservation, as the Dublin Regulation has not been agreed yet.  
Art 17 (5): Here it has to be clear that the allocation will be gained by the MS who is organising the transport (the sending and not the receiving MS).
- Art.18: In general positive. However, we would like to clarify whether it is also possible to use the operating support to cover the the maintenance costs of IT systems.
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: In general positive.
  - Art.20: In general positive.
  - Art.21: In general positive.
  - Art.22: In general positive.
  - Art.23: In general positive.
  - Art.24: In general positive.
  - Art.25: In general positive.
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: In general positive.
  - Art.27: In general positive. Still, we would like to clarify what is meant by the “*actions awarded a Seal of Excellence certification*“ in Art 27 p 2 and who is giving out the award and evaluates the actions.
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: In general positive.
  - Art.29: In general positive.
  - Art.30: In general positive.
  - Art.31: In general positive.
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: In general positive.
  - Art.33: In general positive.
  - Art.34: In general positive.
  - Art.35: In general positive.

- ANNEX I:

In general, we welcome the new regulation, also the proposed structure and distribution key of using the funding. However, we still need to make sure that the percentages and the statistics for allocations would not put Estonia in an unequal position compared to other MSs.

**Annex I p(2)** refers to the criteria in the area of asylum that will be taken into account and shall be weighted accordingly. In point 2(c) the term „resettled“ should be replaced with the term „admitted“.

It could be difficult to differentiate the percentages as in Estonia all resettled persons will be granted the status defined by the Geneva Convention or subsidiary protection.

Could you please explain why the persons being resettled are considered separately from the total number of persons granted international protection.

**Annex I p(3)(b)** - The criteria for the allocation concerning the 60% in proportion to the number of third-country national who have obtained a first residence permit is problematic. Estonia is among the MSs who is issuing the smallest number of first residence permits while the number of third-country nationals staying legally in the country is quite remarkable.

For the majority of third-country nationals, who have stayed and worked in a country less than a year, has been issued a visa and not a residence permit (which is a base for allocation criteria). Therefore, we are in favor of the exclusion which does not count among the first residence permits those permits that have been issued for the aim of working and are valid less than a year. In this way, the statistical figures of other MSs would be more equal with the numbers of Estonia, especially of those countries where the number of residence permits with the validity less than a year is remarkable.

**Annex I p(3)(c)** – We would like to clarify why the calculations exclude the persons arrived under the Mobility and Researchers Directive.

- ANNEX II: In general positive.
- ANNEX III: In general positive.

Questions:

1. Could you please specify whether the IT and ICT systems are also eligible under AMF, e.g. does the p (1)(b) cover also the IT/ICT systems as it is not mentioned specifically?
2. In p (2)(b) it is brought out that the Fund shall support the conducting of the asylum procedures. Could you please specify what is covered by that?
3. In p(1)(e) it is stated that the Fund shall support the assistance and support services consistent with the status and the needs of the person concerned. Could you please clarify whether it is possible to cover the costs of improving the conditions of reception and detention, for example the social assistance, counselling, medical or translation services (also at the detention centre). The assistance and support services have been brought out in Annex III but only under the policy objectives and not specifically under each specific objective. Therefore we would like to clarify if these services are still covered similar to the current period.

4. Integration target group (e.g. Annex III p (3)(a)) – As integration is a two-way process, it is not reasonable only to offer activities to or inform the third country nationals, therefore it is necessary to clarify whether it is possible also to involve the locals etc to some activities.
5. In p 4(d) it is brought out that the information and awareness-raising campaigns should be organized to inform employers and irregular migrants about their rights and obligations. We suggest that also the persons who carry out the migration monitoring activities (e.g. in universities, local municipalities etc) should be taken into account. In addition, the Fund should support the controls based on the IT solutions through which it would be possible to offer the information exchange between the private and public sector to prevent the illegal migration more efficiently.
6. In the area of legal migration it would be important to have the possibility to use the financing also to promote the migration of the qualified persons/entrepreneurs/investors from the third countries to the EU and to bring it out more specifically under p 3. We would prefer that the wording of the actions supported under the specific objectives would make it clearer that the Fund's resources can also be used to strengthen and implement policies to promote legal migration. Due to the importance of corresponding IT developments for the implementation of a number of key qualifying migratory legislation, we need to emphasize that the implementation measures should also include the development of IT systems for the support of legal migration and the developments for cross-usage of databases.

The p(1)(c) in Annex III should be worded as follows:

*(c) the development, monitoring and evaluation of policies and procedures including on collection, ~~and~~ exchange **and analysing** of information and data, development **of IT systems and cross-usage of databases** and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;*

To the p(3) in Annex III should be added following point:

*- measures that support the enhancement of legal migration procedures and capacity-building, including the development of IT systems and the support of the cross-usage of databases.*

- ANNEX IV: In general positive.
- ANNEX V:

We support the approach whereby the use of Union funds must generate significant added value in the EU and be effective, efficient and coherent with other EU policies. We consider it important that the output and performance indicators of the implementation of the Asylum and Migration Fund be relevant and enable to assess the Fund's progress in achieving the objectives set out in the Regulation.

Question: Under the specific objective 1 p(2) the indicator „*number of persons in the reception system as compared to the number of asylum applicants*“ is brought out. We would like to clarify whether it should be a comparison between the asylum applicants and persons granted the protection even if both of them are actually in the application process?

- ANNEX VI: In general positive.

Questions about the table 1:

1. I. CEAS code 006 – should the term „admittance“ be used instead of the term „resettlement“? Or should the term „humanitarian admission“ additionally be included?
2. I. CEAS and III. Return – the special needs/vulnerability has been covered by different level of detail. In the field of return the „vulnerable persons/UAMs and in the field of CEAS the children in migration and persons with special reception and procedural needs have been brought out. Therefore we would like to clarify why in the field of CEAS the broader term („children in migration“) has been used or there is a specific reason for a broader definition to cover also the victims of human trafficking, if needed?

- ANNEX VII:

In general positive. However, we would like to clarify whether it is also possible to use the operating support to cover the the maintenance costs of IT systems as it is not clearly brought out in Annex VII.

- ANNEX VIII:

We support the approach that the use of Union resources should create significant added value in EU and be effective, efficient and coherent with other EU policies. We consider it important that the output and performance indicators of the implementation of the AMF be relevant and enable them to assess the progress of the fund in achieving the objectives set out in the Regulation.

The list of core performance indicators in Annex V contains some indicators for which it is unclear what value does collecting the specific indicator will give to the fund's performance. For example the indicator 2 under specific objective 1 “Number of persons in the reception system as compared to the number of asylum applicants”. In EE the asylum applicants are also a part of the reception system, therefore it is difficult to make a comparison between the target groups mentioned in the formulation of this indicator.

<b>Detailed questions on the proposal:</b>
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17. 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:

The Principle of Subsidiarity is in general adequately recognized.

18. 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:

We have not taken the official position yet. In general, we are not against that for initial allocation the reference figures shall be the latest annual statistical data produced by the Commission.

19. 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:

In general, the allocation process and the pre-financing will be adequate.

20. 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:

In general, we welcome the new regulation, also the proposed structure and distribution key of using the funding. However, we still need to make sure that the percentages and the statistics for allocations would not put Estonia in an unequal position compared to other MSs. (See also the answer for a question about Annex I).

21. 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?

We support that similar activities to the current AMIF financing period will also be financed in the new AMF period. However, it is necessary to emphasize the importance of strengthening the funding of IT and ICT systems, support services of asylum and return and enhancement of legal migration procedures.

In Annex 3 p1(e) it is stated that within the policy objective referred to in Art 3(1), the fund shall in particular support assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable groups. However, in the list of specific objectives set out in points 2 and 4, the specific support services offered to the asylum and return of the target are not brought out. Therefore, we would like to see a more specific wording in the regulation that all support services (including services provided at the detention centre, translation, counselling, health services etc) are covered by the new regulation. Also, the regulation does not outline the funding of the IT and ICT systems and in Annex VII the possibility of operating support to cover the maintenance costs of IT and ICT systems has not clearly foreseen.

In addition, we see that the wording of the actions supported Under the specific objectives would make it clearer that the resources could also be used for strengthening and implementing policies to promote legal migration.

22. 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)**)

We support the Commission's proposal that integration activities are covered by the regulation. We consider it important that the AMF will complement the ESF+ and ERDF to support the adaptation and integration activities. However, it is important to distinguish between long-term and short-term integration when it becomes dependent on which fund's resources it is possible to finance these activities. For Estonia, it is important that immigrants, irrespective of the of the legal basis for staying in the country, can move from the adaption and welcoming services to the integration services, regardless of the source of financing.

23. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

We do not have a specific need for naming specifically the target groups referred to in Art 4(3).

24. 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))**

We do not have a specific position regarding this article.

25. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

We welcome the Commission's proposal to increase the funding of migration and asylum policies from the Union budget and, in principle, agree to use the proposed structure of funds. We can support the reduction of the thematic funding in favor of national programs.

The funds will be allocated similarly to the current period in the frame of shared management (through national programs) and as the European Commission's direct and indirect support. At the same time, 60% of the funds are planned to be allocated to national programs and 40% of the funds are left to the thematic facility. We believe that the proposed structure of the fund will provide sufficient flexibility in order to be able to resolve important issues that are not always possible to predict at the beginning of the financial period, while allowing the Member States to decide which activities will meet the cross-border objectives. The proportion of the thematic facility is relatively high, but this will in most cases add resources to the Member States' programs in every two years and the facility will be deployed so that resources can be allocated more easily to the Member States, as appropriate, rather than based on a certain distribution key. If the proposal for increasing the allocation for Member States' programs will be made, we are ready to support it, as increasing the national allocations makes it easier to plan the scope of the measures supported by the fund.

26. 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)**

We welcome the possibility to use the operating support of 10%. However, it is important that also the maintenance costs of the IT and ICT systems could be covered under the operating support as it is not specifically mentioned in Annex VII.

27. 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:

In general, the external dimension is important for us.

28. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**) If no, please elaborate:

We support the annual reporting obligation brought out in Article 30. However, the Article 37(1) in CPR stipulates the obligation of reporting cumulative data by the managing authority every 2 months (i.e. 6 times per year) and article 92(1) foresees an obligation to submit additional documents for each accounting year. In addition to that, article 36(6) foresees annual performance report for the AMF, the ISF and the BMVI (which should be approved by the monitoring committee).

Our proposal is to decrease the administrative burden of the Member States foreseen in article 37(1) significantly (limit reporting cumulative data to Commission to 1-2 times a year) and to add an exception so that this obligation would not apply to the AMF, the IMF and the BMVI (considering that the reporting obligation to COM is covered by art 36(6) and 92(1) of the CPR).

29. Do you think the output and result indicators are sufficient? Which changes would you like to see? (**ANNEX VIII**)

We support an approach whereby the use of Union funds must generate significant added value in the EU and to be effective, efficient and coherent with other EU policies. We consider it important that the output and performance indicators of the implementation of the Asylum and Migration Fund be relevant and enable them to assess the progress of the Fund in achieving the objectives set out in the Regulation.

The list of core performance indicators in Annex V contains some indicators for which it is unclear what value does collecting the specific indicator will give to the fund's performance. For example the indicator 2 under specific objective 1 "Number of persons in the reception system as compared to the number of asylum applicants". In EE the asylum applicants are also a part of the reception system, therefore it is difficult to make a comparison between the target groups mentioned in the formulation of this indicator.

30. **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?

**Art 48(1)** stipulates that where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, the AMF, the ISF and the BMVI shall take the form of unit costs, lump sums or flat rates, except for operations for which the support constitutes state aid.

This requirement may not prove effective for the AMF (especially training projects, forced return and assisted voluntary return projects) in smaller member states where the target group tends to be rather small. Simplified cost options are effective in case of large target groups. In case of small target groups, simplified cost options may not be sufficient for covering all costs incurred.

31. **(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?

Yes, the regular calendar year would lead to less administrative burden but as we understand the accounting year has already been regulated in the financial regulation.

32. **(Art.74, 75 of the CPR)**: What do you think about the single audit approach?

In general, we support the approach.

33. **(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?

No problem has occurred and the definition of tasks and responsibilities for the audit authorities is clear.



# FINLAND

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

- Art.1: positive /negative?

n/a

Should the name of the Fund contain also integration or does the concept of migration include it? If the proportionate allocation for integration measures increase or at least remain on the former level, it could be meaningful to keep the "I" also in the name of the Fund. The name discussion apparently has some "political dimensions".

- Art.2: positive /negative?

n/a

The definition of a vulnerable person could be further elaborated.

- Art.3: positive /negative?

The current formulation is clear and highlights well the aim of the Fund. If integration is added to the name of the Fund, it could be purposeful in that case also to revise this article so that it would mention the integration as it is not necessarily included in the implied definitions of "management of migration flows" and "admission to the union area".

- Art.4: positive /negative?

The contents of the Annex II could also be included directly in the regulation as an own (or three) article(s)? That could possibly help to solidify the content of the regulation and make the structure somewhat more transparent and discernable.

Do you have questions and comments regarding this article?

The inclusion of the target groups could be considered under this article (or even under an own article).

A small addition to the paragraph 3 if it remains; "and in accordance with the definitions set in the Article 2 of this regulation" could be considered.

- Art.5: positive /negative?

Do you have questions and comments regarding this article?

The article is purposeful as it lays down the framework for association but leaves the specific contents and conditions open. In this situation more detailed provisions would prove impractical as e.g. the Brexit is still in process.

- Art.6: positive /negative?

The fourth paragraph could be further clarified vis-à-vis "legal entities established in third countries".

Do you have questions and comments regarding this article?

The scope of the article as such is sufficient as the provisions enable different parties to participate in the actions through the Fund.

- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.8: positive /negative?

We support the overall division illustrated in the paragraph 2 as it guarantees the flexibility in unexpected situations. Moreover, there should be sufficient resources for e.g. resettlement and other mechanisms.

Questions and comments?

The percentage should be in brackets.
  - Art.9: positive /negative?

Well-functioning thematic facility brings common added value for the area covered by the Fund.
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.11: positive /negative?

The proportions of the amounts to be allocated to the national programmes seem to be purposeful.
  - Art.12: positive /negative?

Questions and comments?

The proposed financing rates seem to be purposeful.
  - Art.15: positive /negative?

Questions and comments?

We are in favor of the possibility to implement specific actions also as national projects as it is now described in the first paragraph.
  - Art.16: positive /negative?

See below.

Article 16 now only includes persons resettled in accordance with the Union resettlement schemes. It should include also persons resettled in accordance with national resettlement programmes in order to be in line with Article 17 of the Union Resettlement and Humanitarian Admission Framework which states that “Member States shall receive for each [...] person admitted in accordance with Article 2 (a) and (b) [...] a lump sum of EUR 10,000 and, within the limits of the resources available, a lump sum of EUR 6,000 for each resettled person in accordance with national resettlement schemes [...]”.

All resettlement efforts of the Member States should be supported in order to both highlight resettlement as a safe and considerable way to offer international protection to the most vulnerable persons but also to raise the global role of the EU as a leading actor when it comes to resettlement. Thus, also the national resettlement efforts should be acknowledged and fully compensated through AMF.

Questions and comments?

This Article is conditional upon acceptance of the relevant provisions of the proposed Resettlement Regulation and the article needs to be aligned accordingly.

- Art.17: positive /negative?

See below.

Questions and comments?

This Article is conditional upon acceptance of the relevant provisions of the proposed Dublin Regulation.

With respect to Art 17 paragraph 2: According to Dublin Regulation Article 34c paragraph 3 the amount of EUR 10 000 is doubled in case of voluntary allocation and allocations carried out on bilateral basis. This should be added in the proposed paragraph, provided that this provision is included in the Dublin Regulation.

With respect to Art 17 paragraph 3: “A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per applicant who has been granted international protection for the implementation of integration measures.” Dublin Regulation refers to a lump sum of EUR 20 000 for the implementation of integration measures. This should be amended in the proposed paragraph, provided that this provision is included in the Dublin Regulation.

Reporting requirements in respect of this Article should be as simple as possible in order to avoid creating administrative burden for the MS concerned.

- Art.18: positive /negative?

We see the use of operating support in the areas of asylum and return as an important and welcomed tool to guarantee the capacity of the respective systems.

Questions and comments?

The proportionate share of operating support could be even higher than the proposed 10% of the total allocation.

- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):

- Art.19: positive /negative?

There is a spelling mistake in the first sentence of the English version of the regulation .

- Questions and comments?
    - The word "Union" is to be deleted.
  - Art.20: positive /negative?
  - Questions and comments?
    - Adoption process of the work programme for the union actions should be clarified and made transparent.
  - Art.22: positive /negative?
  - Questions and comments?
    - Bracketing seems to be inconsistent between the proposals for fund regulations (AMF, BMVI, ISF).
  - Art.24: positive /negative?
  - Questions and comments?
    - The current formulation is somewhat unclear (referring to the "other than those mandated by the Union").
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: positive /negative?
  - Questions and comments?
    - As discussed in the ad hoc working group meeting, flexibility and reaction capacity must be ensured.
  - Art.27: positive /negative?
  - Questions and comments?
    - Examples of practical implementation of such actions should need further clarification. More information needed when it comes to the second paragraph. How this would operate in reality?
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.29: positive /negative?
  - Questions and comments?
    - The reference to the CPR art. 40 is missing.
  - Art.30: positive /negative?
  - Questions and comments?
    - The first paragraph misses an explicit definition of the period that the reports - submitted each year by February 15 - cover. The paragraph implies that the cut-off date is June 30 but this should be further clarified.

- ANNEX I: positive/ negative?  
 The inclusion of resettled persons as an allocation criterion is welcomed as the resettlement efforts directly reflect the solidarity towards the most vulnerable persons and even other MS by reducing incentives for irregular migration. The weight of this criterion could be even higher than the proposed 10% of the asylum criteria (thus 3% of the total).  
 Questions and comments?  
 The criterion for resettlement includes i.a. a note "-- are being resettled". How this is to be verified on the basis of the statistical data produced by Eurostat if the actual resettlement has not taken place yet?
- ANNEX II: positive/ negative?  
 Questions and comments?  
 The current formulations are quite inclusive which leaves the definition of activities to the National Programmes.
- ANNEX III: positive/ negative?  
 Questions and comments?  
 The current formulations are quite inclusive which leaves the definition of activities to the National Programmes.
- ANNEX IV: positive/ negative?  
 We support the general approach for the higher co-financing rates for especially NGOs as the national pre-financing rules at least in our case somewhat confine the group of possible beneficiaries.
- ANNEX V: positive/ negative?  
 Questions and comments?  
 Same persons will inevitably be counted twice in the indicators (first under the SO1 and then SO2 or SO3) but this will not necessarily be a problem as such.
- ANNEX VII: positive/ negative?  
 Questions and comments?  
 It should be clarified whether the development and use of IT systems relevant to the policy objectives can be covered by operating support. We strongly advocate for this approach.

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

As the allocations for the national programme increase as compared to the current MFF, we see it rather positive that the Commission ensures the flexibility to face even unexpected situations by reserving a significant amount of funds for the thematic facility. Thus, although it's important to guarantee the sufficient resources for the national programmes, it's equally important that the thematic facility has sufficient funds e.g. for the resettlement as stipulated in the article 16 of the regulation.

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:

We feel that the figures of the 2015-2016 crisis should be taken into account *in some way*. For a small country like Finland, the proportionate changes were enormous and posed a severe challenge for our reception capacity. In terms of preparedness and capacity building, we inevitably need to acknowledge also the major trends of the past influx of migrants.

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:

We would support a higher pre-financing rate.

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:

It is welcomed that resettlement is taken into account as separate criterion under the asylum criteria. This is also in line with the common solidarity efforts and benefits especially those Member States who have participated in the resettlement programme.

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?

We are generally happy with the structure. The national programmes will define the actions to be funded on a national level.

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)**)

We emphasize the need to support the early integration measures through the Fund but in a way that ensures the synergies and continuity of the actions. However, it's indispensable to avoid overlaps between the different instruments.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

Please see the comments under the article 4 above.

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)**)

We do not see this being a huge problem. The operating support helps even the slower MS to reach the 10% milestone.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:

The principle of reserving sufficient funds to face unexpected situations and ensure flexibility is - in the light of the current MFF - understandable. However, as the actual contents of the thematic facility, the breakdown of funding or the other details are all but clear yet, it is rather early to comment usefulness of this mechanism.

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**)

As commented already before, we are very much in favor of the operating support to be used in AMF and would see even a higher percentage beneficial.

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:

We support the general aim of the Fund to support the implementation of the common asylum and migration policies taking into account also their external dimensions. As the root causes are for the most part affected by the external instruments, complementarity and synergies play a key role for achieving effectiveness with the common efforts.

12. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**) If no, please elaborate:

Of course, there should be a trend to decrease and at least not to increase administrative burden but this being said, the question of the pros and cons of the new reporting system is very difficult to comment on without a fully knowledge of its various practicalities. As it seems that the pre-financing rates drop significantly, shorter frequency in payments is without a doubt quite rational. Simultaneously, extensiveness of these regular reports is not known yet.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? (**ANNEX VIII**)

n/a

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?

We are in favor of using SCOs and we have had a good experience of using them during the current MFF. They help to reduce the administrative burden caused for both the RA and beneficiaries, e.g. use of flat rate that include the regular travel costs. Reporting and monitoring have got lighter and error rates have decreased.

Thus, the problems are not necessarily linked to implementation but to the preparation of SCOs which is rather demanding. Therefore, we would gladly receive guidance and directly applicable models of SCOs from the Commission. Furthermore, best practices of the MS that have used the SCOs are equally highly valuable.

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?

Yes it would but - at the same time - we are aware of the constraints imposed by the Financial Regulation.

16. **(Art.74, 75 of the CPR)**: What do you think about the single audit approach?

We feel positively on the suggestion of using 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?

We have generally good cooperation and working practices between the authorities. No specific problems to be mentioned.



# GERMANY

## GER General Disclaimer:

**1. We understand the purpose of this questionnaire to be a non-exclusive first overview. Therefore, GER understands that during the article-to-article negotiations additional reservations or scrutiny reservations may be declared, regardless of the evaluation in this answer.**

**2. The recitals have not been commented upon, thus they are subject to a general scrutiny reservation.**

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

- Art.3: positive /negative?

No concerns.

Do you have questions and comments regarding this article?

It should be clarified what is understood by the external dimension of the CEAS.

- Art.4: positive /negative?

No concerns.

Do you have questions and comments regarding this article?

It should be further specified which actions in relation to and in third countries may be supported by the AMF. Complementarity with external instruments such as the NDICI should be ensured and duplication avoided.

- Art.6: negative

Clarifications necessary.

Do you have questions and comments regarding this article?

Member States need to be involved in the decision, what entities are eligible. This concerns especially paragraph 1 a) No. 3 (“third country listed in the work programme”).

Concerning paragraph 4: The term “independent entity” needs to be clarified.

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

- Art.7: negative

Clarification needed.

Questions and comments?

Unclear, what is meant by “complement national, regional and local intervention”. Does this mean national and regional means are to be used prior to AMF means? Or can AMF means be used to complement national and regional means?

Unclear, what Member States have to do in order to “ensure that the support provided under the AMF regulation and by the Member States is consistent with the relevant activities of the Union”.

- Art.8: negative  
negative

Regarding the allocation of funds high priority should be given to National Programmes while respecting the needs of the thematic facility, in particular lump sums according to Art. 16 and 17.

Questions and comments?

Para 3: COM should explain why it thinks 0.42% of the overall financial envelope are needed for TA measures. What is the figure for TA implementation in the current MFF?

- Art.9: negative

The main focus of the thematic facility should be financing of the lump sums according to Art. 16 and 17. This needs to be clarified in Art. 9. Financing decisions on the distribution of funds within the thematic facility shall be taken in agreement with the Member States.

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

- Art.11: negative

To allow for a more flexible adaptation to possibly changing needs, it is welcomed that a share of AMIF funding should be reserved for a new allocation based on updated data at the mid-term of the financing period.

Concerning paragraph 2: However, it is unclear under what conditions funds shall be allocated to the thematic facility. Generally, the funds under paragraph 1b) should be allocated to the National Programmes.

Questions and comments?

In terms of para 1, could Com elaborate on the procedure for the allocation of funds to the national programmes? How should the allocation be made, which kind of legal acts?

- Art.12: negative  
negative

It is not clear under which circumstances higher co-financing rates may be applied. This should be defined more precisely.

Concerning para 2 and 3: scrutiny reservation in terms of the increased co-financing rates of 90 %. An appropriate share of national co financing is necessary in order to ensure MS ownership.

Questions and comments?

Paragraph 7 needs more clarification. What is the purpose of this paragraph?

- Art.13: negative
 

It is not clear what conditions a Member State has to meet in order to ensure that the priorities in its programme are consistent with the Union priorities. Furthermore, Germany has concerns involving the agencies in the programming. This could lead to increased complexity in the process of programming.

Questions and comments?

What kind of influence shall agencies have regarding the National Programme of a Member State?

How shall a Member State consult the COM when planning to implement a project in a third country?

Paragraphs 4, 5, 6 and 9 unclear.
- Art.14: negative
 

negative

In principle, an increased flexibility is to be welcomed to ensure an efficient use of the funds. However, it is unclear under what conditions funds shall be allocated to the thematic facility (see section 11) / to other Member States' National Programmes.

Clarification needed on "10% of the initial allocation of a programme"- what is taken into account when referring to this sum?

Questions and comments?

In terms of para 1 and para 3, could Com elaborate on the procedure for the allocation? How should the allocation be made, which kind of legal acts?
- Art.16: positive /negative?
 

In Principle no concerns (see question/comment stated below).

Questions and comments?

Art. 16 should also refer to humanitarian and national resettlement schemes.

Funds should also contribute to mitigate secondary movements. To better promote MS responsibilities in this regard, the payment of the lump-sum should be subject to the condition that the person actually resides in the Member State in question for a longer period of time. Payment modalities have to be adapted accordingly - e.g. a time shifted payment or a payment in several installments - while keeping the additional administrative burden to a minimum.

How will the accounting process work and in which form does the necessary information need to be kept?

- Art.17: positive /negative?  
No concerns at the moment, but no conclusive evaluation possible at this time, as this Article refers to the Dublin-Regulation. Remarks (see Art. 16)
- Art.18: positive /negative?  
No concerns.  
Questions and comments?  
Clarification needed what is meant by “public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union”.  
Why is it necessary to justify operating support in each annual performance report?
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.20: negative  
An additional paragraph should be included on how Member States should be involved in the programming process of the annual working programmes.  
Questions and comments?  
Paragraph one should be integrated into Art. 2, since it contains definitions.  
Scrutiny reservation in terms of para 3. What exactly is meant by “financial instruments” in para 3? What is the scope of this regulation? Under what conditions should this be applied? What is the relationship between paragraph 3 and Article 22 (blending)?
  - Art.22: positive /negative?  
No concerns.  
Questions and comments?  
Please clarify under which circumstances blending operations can be used.
  - Art.24: positive /negative?  
No concerns.  
Questions and comments?  
Clarification needed concerning the modalities of audits.
  - Art.25: positive /negative?  
No concerns.  
Questions and comments?  
Clarification needed concerning the modalities of Information, communication and publicity.

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.27: positive /negative?
    - No concerns.
    - Questions and comments?
    - It should be clarified how exactly the use of several funds for one action is possible. How should the differentiation of the funds be ensured? Could COM give some examples?
    - Clarification needed with regard to the use of seals of excellence certification.
  
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: negative
    - See comments on Annex VIII
    - Member States should to be involved in the process of adopting delegated acts (e.g. consulting committee of the AMF).
  - Art.29: positive /negative?
    - No concerns.
    - Questions and comments?
    - Please define “in a timely manner”.
  - Art.30: negative
    - The aim should be to reduce the administrative burden whilst monitoring the implementation of funds. Accordingly, only essential information should be required for the annual performance report. The information requirements in paragraph 2 appear to be too far-reaching.
    - Questions and comments?
    - In Terms of letter d) we kindly ask for further clarification, what exactly is meant?
  - Art.31: negative
    - The last sentence of paragraph 1 should be deleted, because that would lead to enormous amount of administrative burden during the implementation period.
    - Questions and comments?
    - Since Annex IV doesn’t contain any table what is meant by “monitoring and reporting shall be based on the types of intervention set out in tables (...)”?
  
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.34: positive /negative?
    - No concerns.
    - Questions and comments?

Under which circumstances shall it be possible to use the financial envelope to cover expenses necessary to ensure transition between the AMF and the AMIF?

- ANNEX I: negative  
The distribution of funds between the Member States has to reflect the actual migration **situation** in the Member States, which is - of course - a result of the influx of previous years. Therefore, the allocation of funds to Member States should take account of the actual needs such as expressed by the number of asylum seekers that were received by a given Member State from 2015, the peak year of the migration crisis, onwards.  
Please see remarks to questions 2-4.  
Questions and comments?  
In terms of para 5 it needs to be clarified, which Eurostat-data exactly are to be used to calculate the distribution key. A sample calculation would be helpful.
- ANNEX II: positive/ negative?  
No concerns.  
Questions and comments?  
The implementation measures should be further specified, in particular clarifying which specific measures partnership and cooperation with third countries for the purpose of managing migration entails.
- ANNEX V: negative  
The data that would be necessary in order to adequately use the mentioned indicators cannot be easily collected by the Responsible Authorities. The use of different indicators thus seems necessary.
- ANNEX VIII: negative  
Questions and comments?  
The data that would be necessary in order to adequately use the mentioned indicators cannot be easily collected by the Responsible Authorities. The use of different indicators thus seems necessary. E.g. with regard to the first indicator to Objective 3 (“Number of places in detention centres...”), it has to be questioned, if this indicator can effectively measure if the fund fulfills its aim to “contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries”.  
It also needs to be clarified if all the given indicators need to be used or if Member States can decide which indicators to use.

### **Detailed questions on the proposal:**

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:

Regarding the allocation of funds high priority should be given to National Programmes while respecting the needs of the thematic facility, in particular lump sums according to Art. 16 and 17.

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:

This issue is of high importance: Due to the unforeseen high number of migrants in the years 2015-2016, and due to the fact that many of them are still in the receiving Member States, the years 2015-2016 should be taken into account.

When calculating the distribution key, the years from 2015, the peak year of the migration crisis, onwards should be taken into account in order to accurately reflect the actual migration situation in the Member States.

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:

The allocation process and the distribution key remains unclear; it needs to be clarified which Eurostat-data is going to be used. A sample calculation would be helpful.

The pre-financing must, however, be higher, at least 7% per year.

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:

Generally, in order to correctly reflect the migration related expenses in each Member State, the criteria for calculating the distribution key need to take into account how many migrants are actually living in the respective Member States.

Accordingly, with regard to the criteria in the area of asylum, especially ANNEX I, No. 2 letter b needs to be revised (60% in proportion to the number of third-country nationals or stateless persons who have applied for international protection). The application for international protection can only be a relevant criterion in case the applicant is still living in the respective Member State. The relevant criterion needs to be the place of actual residence.

Concerning criteria in the area of legal migration and integration, the actual expenses in the Member States need to be reflected. For this purpose, e.g. the number of language courses should be taken into account.

With regard to the criteria in the area of countering irregular migration including returns, it is of high importance that persons, whose deportation has been suspended (“Geduldete”), are to be included in the calculation of the distribution key as these persons also receive assistance in the Member States.

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?

The proposed specific objectives and implementation measures are seen as sufficient, so that no changes are necessary.

The objectives and implementation measures should however be further specified, in particular, it should be clarified, what is understood by the external dimension of the CEAS, and which specific measures “partnership and cooperation with third countries for the purpose of managing migration” will entail.

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)**)

Each financial instrument should be geared towards distinct purposes. Between AMF and EU structural funds, the specific objective and thus the type of measure should be clearly differentiated. Overlaps need to be avoided, so that there is no possibility for double financing. Due to the higher financial volume of the ESF+, it is welcomed that this fund will contribute to integration related tasks in general which should, however, not affect the possibility of the AMF to fund integration measures. Yet, to ensure consistency of the measures, a differentiation according to thematic priorities instead of timing (short-term or long-term) seems more adequate. While structural funds could e.g. support the integration and opportunities for participation in the labor market, communal childcare facilities or investments in urban education, AMF could e.g. finance measures aiming at the integration into the host society or non-occupational language courses.

AMIF and structural funds should complement each other. As a consequence, the EU funding structure for addressing the internal dimension of migration would become more effective. Moreover, it would be more targeted towards those bearing the burdens of migration, in particular cities, regions and Member States that have taken on the genuinely European challenge of migration over the past years without commensurate EU funding.

To adequately reflect the scope of the funds, the former title “Asylum, Migration and Integration Funds (AMIF)” should be kept.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

It should be made clear which target group can profit from the proposed measures.

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)**)

Clarification needed on “10% of the initial allocation of a programme”- what is taken into account when referring to this sum?



9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

In general, the thematic facility might help in order to achieve more flexibility. The allocation of funds within the thematic facility needs to be clarified and it should be further specified which issues the thematic facility will address.

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)**

10% seems appropriate.

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:

Yes, it is an important topic. More clarification on this topic is needed, especially with regard to the consistency of the AMF and other funds. It should be specified which measures fall under the scope of the external dimension of the AMF and how this complements other instruments focusing on the external dimension of European migration policy, in particular the NDICI, while avoiding duplication. It is important to ensure complementarity and coherence with development objectives and objectives relating to international cooperation on migration governance, in particular the Global Compact for Migration.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

No, more frequent reporting leads to a higher administrative burden; especially the annual performance reports are seen as a potential problem.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

The data that would be necessary in order to adequately use the mentioned indicators cannot be easily collected by the Responsible Authorities. The use of different indicators thus seems necessary.

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?

SCO are very much welcomed, as they potentially could lead to less administrative burden. In order to do so, it is however necessary that the COM publishes relevant guidelines on how to implement and use SCO.

During the AMIF, the German Responsible Authority used the hourly rate as laid down in article 18 paragraph 7 in regulation 514/2014 for accounting staff costs. While implementing this SCO, unforeseen problems on technical level occurred. That is why there is a strong necessity for guidelines on the use of SCO.

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?

This is not a relevant topic for GER. Generally, harmonization of the accounting year and the calendar year would be welcomed.

16. **(Art.74, 75 of the CPR)**: What do you think about the single audit approach?

The single audit approach seems to be a possibility to streamline the auditing process, and is therefore welcomed.

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?

Yes, this topic is relevant for Germany. The Audit Authority's tasks have to be clearly defined in order to avoid coordination problems when implementing the funds. During the AMIF period the uncertainty about the specific tasks of the Audit Authority has led to an increased administrative burden on the part of all entities involved.

# GREECE

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

- Art.1: Rather Positive (according to Greek Asylum Service)

We hold that the word “integration” should not be omitted, as integration measures are still to be funded by the Fund. The funding of integration measures from more than one funds is also the case in the current financing period (in which integration measures are funded not only by AMIF but also by ESF and ERDF, as well as by several EU programmes such as ERASMUS+), while this did not necessitate the omission of the word “integration” from the name of AMIF. (according to Directorate for Social Integration/Ministry of Migration Policy)

Reference could be made to the allocation of funding among MS (according to European and Development Programs Division - Ministry of Interior)

- Art.2: Rather Positive (according to Greek Asylum Service)

So far, in EU Communications, “integration” is defined as a long-term and multi-faceted process, without it being divided in “phases” or “stages” and without a special allocation of interventions for each stage. We hold that defining integration as a “short” or “long” term process, as the proposal of the Regulation suggests, is invalid and should not be followed.

In case, however, such a distinction is decided, we propose that a definition of the term “short-term integration” and/or “early integration” (which we hold is a preferable term compared to the term “short-term integration”) is included in Article 2, so that the range of eligible actions becomes clear and understandable and there is no confusion with regard to compliance and eligibility of actions under AMF or other funds (i.e. ESF+ and ERDF). It should also be noted that a precise definition of the term used will also result in a better translation of the term in the languages of the m-s (it is noted that in the Greek translation of the proposal in some parts of the document the term “timely” (“έγκαιρη”) integration is used, a term which does not have a clear meaning and which does not depict the meaning of the words “early” or “short-term” integration which are used in the proposal of the Regulation). (according to Directorate for Social Integration/Ministry of Migration Policy)

- Art.3: Rather Positive. We maintain scrutiny reservation. (according to Greek Asylum Service)  
Positive (according to European and Development Programs Division - Ministry of Interior)  
In the policy objective of the Fund as described in paragraph 2, point b, it is mentioned that the Fund contributes to the “integration of third-country nationals”. We propose that it is specified that the Fund supports “early” or “short-term” integration measures, and not integration measures in general. (according to Directorate for Social Integration/Ministry of Migration Policy)
- Art.4: Positive (according to European and Development Programs Division - Ministry of Interior)  
We are neither positive nor negative on the article. We maintain scrutiny reservation on ANNEX III (according to Greek Asylum Service).  
In article 4, paragraph 3, we propose that the target groups of the Fund (which as described fall within the scope of Articles 78 and 79 of the Treaty on the Functioning of the European Union) be clearly and succinctly mentioned. In this way, the scope and type of eligible actions will also become clearer and the risk of double funding will be avoided. (according to Directorate for Social Integration/Ministry of Migration Policy)
- Art.5: We maintain scrutiny reservation on the article (according to Greek Asylum Service).
- Art.6: Positive (according to European and Development Programs Division - Ministry of Interior)  
We maintain scrutiny reservation on the article. (according to Greek Asylum Service)

- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: Positive (according to European and Development Programs Division - Ministry of Interior)
  - Art.8: Positive (according to European and Development Programs Division - Ministry of Interior)
 

We maintain scrutiny reservation on the proposed allocation of financial resources [art. 8 (2)] as we prefer a higher percentage of allocation of financial resources through shared management. (according to Greek Asylum Service)
  - Art.9: Positive (according to European and Development Programs Division - Ministry of Interior )
 

Scrutiny reservation on the whole article. (according to Greek Asylum Service)
  
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: Positive (according to European and Development Programs Division - Ministry of Interior)
 

Reservation on Art. 10 (1) as we prefer a higher percentage of allocation of financial resources used through shared management as noted above as a comment on Art. 8  
(according to Greek Asylum Service)
  - Art.11: Positive (according to European and Development Programs Division - Ministry of Interior )
 

Scrutiny Reservation on the article (according to Greek Asylum Service)

- Art.12: Positive (according to European and Development Programs Division - Ministry of Interior)  
Rather positive (according to Greek Asylum Service)
- Art.13: Reservation. (according to Greek Asylum Service)
- Art.14: Positive (according to European and Development Programs Division - Ministry of Interior )  
Rather positive (according to Greek Asylum Service)
- Art.15: Positive (according to European and Development Programs Division - Ministry of Interior )  
Rather positive (according to Greek Asylum Service)
- Art.16: Rather positive (according to Greek Asylum Service)
- Art.17: Rather positive (according to Greek Asylum Service)
- Art.18: Rather positive. Reservation with regard to the areas operational support will cover in relation to those included in ANNEX VII (possible addition of other operational support areas, such as running costs) (according to Greek Asylum Service)
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: Reservation. (according to Greek Asylum Service)
  - Art.20: Reservation (according to Greek Asylum Service)
  - Art.21: Reservation (according to Greek Asylum Service)
  - Art.22: Reservation (according to Greek Asylum Service)
  - Art.23: Rather positive (according to Greek Asylum Service)
  - Art.24: Rather positive (according to Greek Asylum Service)
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: Rather positive (according to Greek Asylum Service)
  - Art.27: Rather positive (according to Greek Asylum Service)
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: Reservation (according to Greek Asylum Service)
  - Art.29: Reservation (according to Greek Asylum Service)
  - Art.30: Reservation (according to Greek Asylum Service)
  - Art.31: Reservation (according to Greek Asylum Service)
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: Reservation (according to Greek Asylum Service)
  - Art.33: Reservation (according to Greek Asylum Service)
  - Art.34: Rather Positive. Reservation (according to Greek Asylum Service)
  - Art.35: Rather Positive (according to Greek Asylum Service)

- ANNEX III:

We are negative to this Annex III par.4, as there are not included, all the eligible actions as in current article 11 of Regulation 516/2014 of AMIF.

Taking into account the justification of (10) question, we propose the following modification:

Within the specific objective referred to in Article 3(2)(c), the Fund shall in particular support the following:

- (a) the establishment and renovation of accommodation, reception or detention infrastructure, improved services and conditions, including the possible joint use of such facilities by more than one Member State;
- (b) the provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling;
- (c) the provision of legal aid and language assistance;
- (d) specific assistance for vulnerable persons;
- (e) introduction, development and improvement of effective alternative measures to detention, in particular in relation to unaccompanied minors and families;
- (f) introduction and reinforcement of independent and effective systems for monitoring forced return, as laid down in Article 8(6) of Directive 2008/115/EC7;
- (g) countering incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC8;
- (h) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents and family tracing;
- (i) cooperation with the consular authorities and immigration services or other relevant authorities and services of third countries with a view to obtaining travel documents, facilitating return and ensuring readmission including through the deployment of third-country liaison officers;
- (j) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes;
- (k) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;
- (l) measures to support the returnee's durable return and reintegration;
- (m) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards;
- (n) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements and other arrangements;
- (o) measures aimed at raising awareness of the appropriate legal channels for immigration and the risks of illegal immigration;

- (p) support for and actions in third countries, including on infrastructure, equipment and other measures, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.
- (q) the setting-up of administrative structures and systems, including IT tools;
- (r) the training of staff to ensure smooth and effective return procedures, including their management and implementation.  
(according to European and Development Programs Division - Ministry of Interior)
- ANNEX IV: Some Modifications (see above) (according to European and Development Programs Division - Ministry of Interior)
- ANNEX V: Positive (according to European and Development Programs Division - Ministry of Interior)
- ANNEX VI: positive/ negative

#### **Types of intervention**

We propose that the types of intervention mentioned In ANNEX VI, Table 1, II Legal migration and Integration, be described more analytically, in order not only to be made clearer but also to cover all measures and interventions that are mentioned in ANNEX III, point 3. For example, in ANNEX III, the particularly mentioned interventions concerning the promotion of the acceptance of the host society, as well as the promotion of the intercultural and interreligious dialogue, do not clearly fall into any of the categories that are mentioned in ANNEX VI (according to Directorate for Social Integration/Ministry of Migration Policy).

- ANNEX VII: Positive (according to European and Development Programs Division - Ministry of Interior)
- ANNEX VIII: Positive (according to European and Development Programs Division - Ministry of Interior)

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

YES / Budget allocation after evaluation is correctly linked with outcomes. (according to European and Development Programs Division - Ministry of Interior)

Lowering the percentages of funding directed at shared management, substantially limits the autonomy of the Member States. We are in favor of maintaining the 76% through shared management. (according to Greek Asylum Service)



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:

YES, three years time is a reliable sample. (according to European and Development Programs Division - Ministry of Interior )

We agree with the view that the crisis years of 2015-2016 should be considered as criteria for the distribution key. (according to Greek Asylum Service)

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:

We maintain scrutiny reservation on the proposed allocation process and the pre-financing at the beginning of the financial period and the years after that.  
(according to Greek Asylum Service)

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:

Firstly, the percentages have to be different per M-S and they have to be flexible meeting the specific needs of each M-S. Secondly, we agree with the percentages in case of not having the above mentioned alternative. (according to European and Development Programs Division - Ministry of Interior)

Considering the high pressure the EU Member States are facing, though stabilized, persists, in our view funding for asylum should reach at least 40% of the overall funding. 35% of the funding could be used for legal migration and integration and another 35% could be used for countering irregular migration including returns. (according to Greek Asylum Service)

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?

From a broad point of view, we agree with the nature of the proposed specific objectives and implementation measures. Furthermore, we look forward to the negotiations that will take place in the Ad Hoc Working Party to discuss them in detail. (according to Greek Asylum Service)

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)**)

According to the previous Regulation of AMIF (COM 516/2014 establishing the Asylum, Migration and Integration Fund, Article 9), AMIF supported integration actions mostly related to the reception of third country nationals. This is also the scope of the new Fund (AMF). On the other hand, the European Social Fund mainly supported integration actions concerning the integration of migrants in the labour market. This is also the scope of the new ESF+.

We hold that in order for a further splitting up of the managing of integration measures (under new terms, conditions and definitions), to be successful and functional, an explicit delineation of actions eligible under each Fund and a clear and precise set of definitions are needed. If the terms “early” integration, “short-term integration” and “medium integration” are finally used in the proposal, they should be clearly defined, or else they may lead to confusion and overlapping of funding. It is essential that the Regulation provides not only definitions of “types of integration”, but also clear and explicit examples of the types of interventions eligible under each Fund. (according to Directorate for Social Integration/Ministry of Migration Policy)

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

We hold that the target groups should be named specifically and with clear definitions, as this will help the clarification of the scope and eligibility of actions. (according to Directorate for Social Integration/Ministry of Migration Policy)

Yes, we prefer a clear reference to «applicants for international protection» as well as to «beneficiaries of international protection». (according to Greek Asylum Service)

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))**

No. The percentage which needs to be reached to be eligible for top-ups (10%) should remain. (according to Greek Asylum Service)

9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

Yes, we agree on that facility but, we need more information about the new emergency mechanism. (according to European and Development Programs Division - Ministry of Interior)

Yes (according to Greek Asylum Service)

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)**

We propose two different percentages per policy area.

One for the article 3 par.2 (a) and one for the article 3 par.2 (c), due to the fact that the operating support play a different role in each policy area.

In the pillar of return, the expenses came from operating support of detention centres are very high during this current financial period and it has covered the ½ of the budget of the SO3 of AMIF, approximately.

Thus, we recommend not only to increase the percentage to 20% into Return Policy Area, but also to transfer the renovation costs and provided services to the ANNEX III, as we mentioned before. In the current AMIF national programme, there is no any limit on this category of cost. (according to European and Development Programs Division - Ministry of Interior)

We are in favor of a substantially higher percentage directed at the operating support (according to Greek Asylum Service)

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

The new reporting system significantly increase the administrative burden while becoming the Management and Control System heavier than the current one. So, we will be in favor of the new reporting system, if we are assure that this new system is simplified and not complicated. (according to European and Development Programs Division - Ministry of Interior)

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

We need to take a closer and more detailed look during the Ad Hoc Working Party negotiations.(according to Greek Asylum Service)

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?

We are in favor of using Simplified Cost Options (SCOs). We believe they will reduce administrative burden. The COM publishing guidelines on the use of SCO's might be helpful. (according to Greek Asylum Service)

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?

No, it will add administrative burden instead of reducing it. (according to Greek Asylum Service)

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

We could agree.(according to Greek Asylum Service)

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?

Though we did not face any significant communication problems with the audit authorities a definition of tasks and responsibilities for the audit authorities would be welcomed.(according to Greek Asylum Service)

# HUNGARY

## PROPOSAL:

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

- Art.1: positive

- Art.2: positive

Do you have questions and comments regarding this article?

It is necessary to clarify the rules for the implementation of the "blending operation" as defined in (c) point.

- Art.3: negative

If negative, why?

Do you have questions and comments regarding this article?

It is important to point out that the Regulation did not reflect properly to the European Council conclusions of 28 June 2018. The basic measures of the regulation are broadly formulated from a Hungarian point of view. It should be emphasized in particular that the external dimension of migration is also given in point (a), but it is suggested that effective cooperation in the external dimension and support for third countries and the stopping of migratory flows already in third countries should be included as a separate basic objective .

- Art.4: negative

If negative, why?

Do you have questions and comments regarding this article?

We are clearly in the view that migration management is not an internal issue but an external issue. In view of this, eligible activities should also cover measures taken by the Member States in the external dimension.

- Art.5: negative

If negative, why?

Do you have questions and comments regarding this article?

It should be clarified what are the criteria for joined third countries to receive the grant from the Fund. There are no concrete examples what kind of measures can be taken by the third country. The draft has one aspect of the eligibility of the external dimension which is not acceptable to us in present form. Article 5 sets out in which third countries is possible to implement an action according to external dimension. Third countries which participate in the implementation based on an agreement or Commission work program sets out the countries and the conditions. The method of the selection procedure does not include either in CPR or in the present draft. If it is determined by other legislation, it is appropriate to refer to it in the draft.

- Art.6: positive

Do you have questions and comments regarding this article?

Which criteria must be met by the organization of third country and who will judge which organizations are suitable for implementation.

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

- Art.7: positive

- Art.8: negative

If negative, why?

Questions and comments?

We propose that the thematic tools should be explicitly included to manage and to stop migration in an external dimension. On Hungary's side, it is also supported should this ratio continue to increase provided the source thus increased can be spent on external dimensions.

- Art.9: negative

If negative, why?

Questions and comments?

The Thematic Facility can be used only by the Member States which comply the *acquis* on asylum and return. According to the proposal a new sanction would be used: COM can limit the eligibility of the operational cost in case of infringement proceedings of the Member State. We definitely do not agree with this provision.

Should be also clarified which actions can be eligible under „external dimension of “EU migration and refugee politics”.

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

- Art.10: positive

- Art.11: negative

If negative, why?

Please find our proposals below (“Detailed questions on the proposals”)

- Art.12: positive

- Art.13: negative

Questions and comments?

The regulation is giving a particular importance to Frontex and to EUAA, which is being formed and the role of the two agencies is over-dimensioned.

- Art.14: negative

If negative, why?

Questions and comments?

Mid-term evaluations should be implemented by March 31, 2024, which may be solicitous since the implementation period of the programs is longer (programs should be implemented by June 30, 2029 at the latest) than the budget period. In the current budget period, the implementation of the National Program started at the end of 2015, so the mid-term review by 30 June 2017 was premature and did not give an objective picture.

- Art.15: positive

Questions and comments?

Hungary accepts the rules for specific measures, but it is not known when and where the scope of the specific measures will be presented, and the funding process has not been elaborated, the clarification is needed.

- Art.16: negative  
If negative, why?  
Questions and comments?  

We make the scrutiny reservation on the article until the final form of the Migration Framework Decree is known.
- Art.17: negative  
If negative, why?  
Questions and comments?  

Scrutiny reservation is required for Dublin IV. the last form of the Regulation is unknown. Furthermore, it should be noted that the wording of the regulation does not adequately reflect the political changes in recent months.
- Art.18: negative  
If negative, why?  
Questions and comments?  

The powers of the Agencies are over-dimensioned in the granting of operating grants. At the same time, it is necessary to clarify how the operating grants can be used, if there is an infringement procedure in the given subject, then why only the operating grant will be withdrawn.

- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):

- Art.19: positive
- Art.20: positive
- Art.21: positive
- Art.22: positive  
Questions and comments?  

It is necessary to clarify the rules for the implementation of the "blending operation"
- Art.23: positive
- Art.24: positive
- Art.25: positive

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: positive  
 Questions and comments?  
 We agree with the nature of the support, but it is recommended that the detailed rules of use be determined at the legal level.
  - Art.27: positive  
 Questions and comments?  
 Hungary accepts that one particular program receive support from several Funds if justified by its nature.
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: negative  
 If negative, why?  
 Questions and comments?  
 The reporting obligations impose a disproportionate administrative burden on the responsible authority since, in addition to the 2 month report, annual reports have to be prepared and quarterly interim payment requests should be submitted to the Commission.
  - Art.29: positive
  - Art.30: positive
  - Art.31: positive
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: positive
  - Art.33: positive
  - Art.34: positive
  - Art.35: positive



## ANNEXES:

Please find our proposals connected to the Annexes under “Detailed questions on the proposals”

- ANNEX I: negative
- ANNEX II: negative
- ANNEX III: negative
- ANNEX IV: positive
- ANNEX V: positive
- ANNEX VI: positive
- ANNEX VII: positive
- ANNEX VIII: positive/ negative?

If negative, why?

Questions and comments?

Regarding the ‘Number of persons trained...’ (Specific objective 1; point 4.) and ‘Number of persons...’ (Specific objective 2; point 3 and Specific objective 3; point 2) the method of the calculation should be clarified; e.g. in case the same person attends several different trainings/measures should it be calculated as one (based on the person) or as many times as many trainings/measures he attends (based on the number of trainings).

### **Detailed questions on the proposal:**

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:

We agree with the rate of the resource allocation (Art. 8.). The practical support should be ensured in the external dimension and in the fight against illegal migration. The purpose of this allocation of resources must be in accordance with this (Art.9.). The new orientation of EC approaches to external dimension thus should be defined as basic objective, which definitely meets with our approach.

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:

We consider that the period of 3 years is rather narrow, and statistical data can be distorted in several cases due to a dynamic change in the field of migration. The data of the last five-year or of the full period 2014-2020 should be taken into account (Art.11.).

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:

We consider that process of the distribution of the allocation among Member States is extremely complicated; furthermore the pre-financing is not appropriate, and unduly obstructs the implementation of the complex projects.

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:

We consider that the planned distribution is extremely divergent. We agree with the 40% for countering irregular migration including return.

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?

The new orientation of EC approaches to external dimension thus should be defined as basic objective, which definitely meets with our approach. Our proposal is to complete the list with the specific objectives connected to external dimension.

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)**)

The actions mentioned in paragraph 2 are fundamentally contrary to the Hungarian approach. We firmly oppose that the migration challenges supported compulsorily by cohesion resources.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

No, we accept the general definition.

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))**

In general, the top-up mechanism is not supported as it hinders the implementation of larger projects and causes fragmented programming.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

It secures flexibility, however we recommend a 40% increase in the Thematic facility, as long as they are complemented by achievable goals in the external dimension.

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)**

Our point of view is that higher percentage for operating support would be appropriate. We also do not agree with the reduction of the eligibility of the operational cost in case of infringement proceedings of the Member State.

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:

The external instruments is an important topic for us. We note that the fragmented allocation of resources will cause problems during the implementation of the programs. The objectives and the method should be stated.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

The reporting obligations impose a disproportionate administrative burden on the responsible authority since, in addition to the 2 month report, annual reports have to be prepared and quarterly interim payment requests should be submitted to the Commission.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

We do not have any suggestion yet.

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?

We definitely agree with the SCOs, and it also would be appropriate if the COM published guidelines on its use. Using of SCOs becomes broader; however it is ill-advised that the regulation makes their use as compulsory in case of small projects (under € 200,000). We are concerned that in some cases the usage of SCOs is not possible regarding the nature of the projects.

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?

We agree that the harmonization results in less administration, but it will turn out in practice.

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

We agree with 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?

The Responsible Authority did not have any communication problem with audit authorities.

# LATVIA

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

- Art.2: positive/negative

Comment

Referring to preamble (16) stating that integration actions may include immediate relatives of third-country nationals, where the term ‘immediate relative’ should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action. Article 2 (d) should be supplemented with a clear definition of partner status.

- Art.6: positive/negative

Remark

In the official Latvian translation version the Article suggests, that the only eligible legal entities are those that perform entrepreneurship. Taking into account that public administrations are also eligible legal entities the translation should be revised carefully, excluding possibilities of misinterpretation.

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

- Art.8: positive/negative

Comment

Taking into account the new proposal for the Regulation laying down Common provisions for seven EU Funds (including the Asylum and Migration Fund, the Internal Security Fund and the Border Management Fund – further the Interior Funds) and the Title IV of the regulation proposal setting the monitoring, evaluation and reporting requirements, the administrative burden for the Interior Funds will be significantly increased. The responsible authorities will have to deal not only with application of completely new rules in every aspect of programme implementation, but will also have to restructure several aspects of programme management. The proposals for each specific Interior Fund currently envisage decreased percentage of financial resources that shall be allocated for technical assistance. With regard to the above mentioned, we would like to request the Commission to reconsider percentage of the financial envelope allocated for technical assistance for each Interior Fund.

- Art.9: positive/negative

Remark

More elaborate explanations from the practical implementation point of view would be appreciated.

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

- Art.13: positive /negative

Comment

Latvia is not convinced that the process of developing the MS National programs currently envisaged in the draft regulation is the best possible. According to our assessment involvement role of EU Agencies in designing, monitoring and evaluation of MS National programmes is excessive and exaggerated. Although we understand the objective of the EU Commission to coordinate different actions and avoid overlapping, the current suggestion provides the EU Agencies with too much power and the involvement in MS National programmes is overstated. Taking into account the objective of the Asylum agency to promote and support MS in KEPS implementation, the usage of mandatory clause ‘shall’ in this respect is not understandable.

- Art.14: negative/negative

Comment

With regard to previous programming experiences in EU Solidarity Funds, as well as the current programming period Funds and the new approach that has been incorporated in the Regulation proposal to consult several EU Agencies in the process of programming, it can be said with certainty, that the implementation of National programmes will not start on the envisaged time. Therefore, it is of a very high risk to foresee specific years within a regulation, especially in the Article regulating the eligibility to receive additional allocation for the programme. We suggest to revise this Article and instead of naming concrete years, incorporating the principle n+.

- Art.16: positive/negative

Comment

Latvia supports additional allocation of financial resources in cases of resettlement. At the same time, we would like to point out that participation in any resettlement measures can only be voluntary and this aspect is essential in the development of National programmes.

- Art.17: positive/negative

Comment

Taking into account the discussions within the process of elaboration of Dublin Regulation are still ongoing, Latvia does not support references to a legal act that has not been agreed upon. Discussions on the solidarity measures included in the Regulation should be closely linked to KEPS discussions. Without prejudice to the provision of funding for the measures included in Article 17 of the draft Regulation, we believe that they should be formulated in accordance with the actual situation rather than the current draft amendments of the Dublin Regulation.

- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):

- Art.31: positive

Comment

Article 28 (4) states that data shall be collected efficiently, effectively, and in a timely manner, and that proportionate reporting requirements shall be imposed on recipients and where relevant Member States. This Article is in contradiction with the requirement to perform monitoring and reporting according to Title IV of the Common Provisions Regulation, where in addition to the Annual performance reporting – required to the Article 30 of this specific Regulation, additional reporting on qualitative and quantitative results 6 times per year broken down by specific objectives is required. This additional requirement would not only imply huge administrative burden to the Member States, but can also not be supported from the point of view of effective usage of human, time and financial resources. Latvia suggests to require this kind of reporting not more than 2 times per year.

**ANNEXES:**

- ANNEX III: positive/negative

Comment

Latvia suggests to amend the Scope of support with actions on implementation of IT solutions. Taking into account the current situation and trends where data accumulation and exchange of electronic data are of increasing importance and the fact that ICT solutions provide significant support for the effective provision of basic procedures, also taking into account the interoperability aspect of current and future IT systems, we propose to provide funding for the implementation of these issues also within the AMF.

- ANNEX V: positive

Comment

We believe that not all the indicators set out in Annex V of the draft regulation will allow an adequate assessment of the implementation progress and results, therefore, an in-depth analysis and discussion is needed.

**Detailed questions on the proposal:**

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:

Comment

Taking into account that from the National perspective, it is the most effective and appropriate way to tackle EU related problems, we suggest revising the proposed shares and foreseeing 70% through shared management, 30% through direct management.

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?

Comment

With reference to our comment on the Annex III, we would need to have more detailed discussions on the current definitions of implementation measures and their applicability to our proposed amendment to the scope of support.

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)**)

Comment

At the moment can't comment on this, we are seeking for more detailed information of the precise and measurable differences, as well as auditable documentation to prove the applicability of the specific target group in actions that can be classified under short-term or long-term measures.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

Comment

Please see our comment on the Article 2.

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)**)

Comment

Please see our comment on the Article 14.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:

Comment

At the moment we are not able to respond to this question, we would like to come back on this question after having read the explanatory fiche on the Thematic facility elaborated by the EU Commission.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? (**ANNEX VIII**)

Comment

At the moment we are not able to respond to this question, we would like to come back on this question after more detailed discussions on the current proposal between the MS.

General comment:

At this stage we are not able to respond to these questions. We would like to come back to these after the 14th September Ad-hoc meeting discussions.



# LITHUANIA

- Chapter I – General Provisions (Art.1-6):
  - Art.1: Positive  
we propose to insert word “Integration” in to the title of the Fund – “Asylum, migration and integration Fund” because this proposal will support reception and early integration measures to third-country nationals legally staying in the EU that are generally implemented in the early stage of integration in the period after arrival on EU territory.
  - Art.2: Negative  
There is no definition of “early stage integration”.  
There is a need to define “early stage integration” which will be supported by the AMF.
  - Art.3: Positive
  - Art.4: Positive
  - Art.5: Positive  
There is a need for more detailed guidance of the COM regarding the participation of third-countries.  
Technical remark:  
The Fund shall be open to third countries in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the ~~Asylum and Migration~~ Fund, provided that the agreement
  - Art.6: Positive
- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: Positive
  - Art.8: Positive  
Is the allocations for the technical assistance included in the sum of financial allocation or is counted on the top?
  - Art.9: Positive
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: Positive
  - Art.11: Positive
  - Art.12: Positive
  - Art.13: Positive  
Regarding the Art. 13(8), what forms of consultations should be organized?
  - Art.14: Positive

- Art.15: Positive
 

There is a need for more detailed guidance of the COM regarding the implementation of specific actions taking into account lessons learned from 2014-2020 period.
- Art.16: Positive
 

At this time it is difficult to comment while the Union Resettlement [and Humanitarian Admission] Framework is not approved yet.
- Art.17: Positive
 

At this time it is difficult to comment while the Dublin Regulation is not approved yet, e.g. 17(7) what means “effectively transferred, “effectively returned or registered“.
- Art.18: Positive
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: Positive
  - Art.20: Positive
  - Art.21: Positive
  - Art.22: Positive
 

There is a need for more detailed guidance of the COM regarding the blending operations because it is new for AMF 2021-2027.
  - Art.23: Positive
  - Art.24: Positive
  - Art.25: Positive
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: Positive
 

It is suggested to remove “~~provided that it is earmarked as such in the programme~~“ in the Art. 26 (3) as emergency assistance needs more flexibility.
  - Art.27: Positive
 

There is a need to define “Actions awarded a seal of Excellence certification“ in the Art. 27 (2).

More COM guidance needed for implementation of cumulative, complementary and combined funding.
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: Negative
 

Negative aspects of the Art. 28 (5): Member States should know all the indicators in advance and no indicators should be established during the implementation of the programme.

Questions and comments? Member States should know all the indicators in advance and no indicators should be established during the implementation of the programme.

- Art.29: Positive
 

Though the Art. 29 gives more flexibility, Member States should know the dates of submission of evaluation reports in advance (approximately 1-1,5 year before) because of the public procurement procedures.
- Art.30: Positive
- Art.31: Positive
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: Positive
  - Art.33: Positive
  - Art.34: Positive
  - Art.35: Positive
- ANNEX I: Positive
- ANNEX II: Negative
 

The Art. 2 (b) of the Annex II: there is no definition of “early integration”.

Questions and comments? There is a need to define “early integration” which will be supported by the AMF.
- ANNEX III: Negative
 

The Art. 3(g) of the Annex III: there is no definition of “early integration”.

Questions and comments? There is a need to define “early integration” which will be supported by the AMF.

Some aspects of the employment are included in the Art. 3 (b) / 4 (d) of the Annex III. Is it considered to be a complementarity with the ESF+ programme?

Art.4 (h) : it is not clear if it includes the organization and execution of forced return and organizations of escorts (of officers).
- ANNEX IV: Positive
- ANNEX V: Negative
 

Specific objective 2 (2): Persons usually receive several integration services / participate in several activities during the project. Therefore there is no possibility to evaluate the “general” opinion of the target group person on several activities Funded by the Fund, because some of the measures can be found as beneficial and some not beneficial. This evaluation would be an administrative burden for the final beneficiary.

Questions and comments? Specific objective 2 (2): It is suggested to remove ~~„reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund“~~.

Specific objective 3 (1): Is the indicator “Number of returns following an order to leave compared to the number of third-country nationals ordered to leave“ related to the general number of returns in a Member State or related to the returns funded by the Fund?

- ANNEX VI: Positive

Questions and comments? Table 1 of the Annex VI: Will it be possible to mix several types of intervention in one action / project?

- ANNEX VII: Positive

- ANNEX VIII: Negative

Specific objective 1 (1.c): indicator establishes that vulnerable persons should benefit from specific assistance, but there is no definition of the “specific assistance“ in the Annex or Regulation, therefore it is an additional burden to decide whether the assistance to a vulnerable person / victim of trafficking in human beings / unaccompanied minor is specific or not.

Specific objective 2 (4): Persons usually receive several integration services / participate in several activities during the project. Therefore there is no possibility to evaluate the “general” opinion of the target group person on several activities Funded by the Fund, because some of the measures can be found as beneficial and some not beneficial. This evaluation would be an administrative burden for the final beneficiary.

Questions and comments? Specific objective 1 (1.c): it is suggested to remove “~~benefiting from specific assistance~~“ and to establish indicator „Number of vulnerable persons, victims of trafficking in human beings, and unaccompanied minors“.

Specific objective 2 (3.b): indicator related to the employment is included. Is it considered to be a complementarity with the ESF+ programme?

Specific objective 2 (4): It is suggested to remove „~~reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund~~“.

### **Detailed questions on the proposal:**

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:

Yes

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:

Yes

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:

Yes

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:

Yes

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?

No.

Could the allowances be payed to TCNs under the action 3(g) (Annex III) “early integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on education, language and other training such as civic orientation courses and professional guidance;“?

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)**)

There is no definition of “short-term / early integration” in the AMF Regulation, therefore there is uncertainty related to the synergies / compatibility of the AMF and ESF+. Some aspects of the integration to the labour market is included in the AMF Regulation, so there could be some duplications of the actions related to the labour market funded by both funds.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

Definitions would give more clarity to the Member States, because at moment it is not clear which target groups can participate in particular implementation measures.

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)**)

The percentage could hinder MS in getting additional funds, therefore it is suggested not to establish certain percentage in the basic act.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:

Yes

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)**

In favor of the 10%.

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:

Yes

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

Yes

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

Specific objective 1 (1.c): indicator establishes that vulnerable persons should benefit from specific assistance, but there is no definition of the “specific assistance“ in the Annex or Regulation, therefore it is an additional burden to decide whether the assistance to a vulnerable person / victim of trafficking in human beings / unaccompanied minor is specific or not. It is suggested to remove “~~benefiting from specific assistance~~“ and to establish indicator „Number of vulnerable persons, victims of trafficking in human beings, and unaccompanied minors“.

Specific objective 2 (4): Persons usually receive several integration services / participate in several activities during the project. Therefore there is no possibility to evaluate the “general” opinion of the target group person on several activities Funded by the Fund, because some of the measures can be found as beneficial and some not beneficial. This evaluation would be an administrative burden for the final beneficiary. It is suggested to remove „~~reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund~~“.

There is also some uncertainty related to indicator of the Specific objective 2 (3.b): indicator is related to the employment, which is part of the ESF+ programme. Is it considered to be a complementarity with the ESF+ programme? Also we would like to note that in the Fiche No. 23 (9 July 2018) there is no information that the AMF will contribute to the integration into labour market.

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?

Opinion on using SCOs is positive, because they reduce administrative burden for the final beneficiary and the authority (Delegated/Responsible) which checks the project expenses. It would be very useful to have COM prepared guidelines on the use of SCOs (with practical examples) .

Although dissatisfaction of the final beneficiaries can occur, because SCOs is based on the average market prices which were identified at the moment on the establishing fixed amounts.

Also during current financial period, we had some problems of using SCOs: not enough statistical data from beneficiaries; it is not easy to get historical documents from beneficiaries; it takes a lot of time to prepare SCOs methodologies, the problem is that it should be done before the start of the project.

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?

Harmonization of the financial year and regular calendar year would lead to easier way of managing Funds. But on the other hand, as in the Art. 92 of the CPR it is foreseen that “for each accounting year for which payment applications have been submitted, the Member State shall submit to the Commission by 15 February, the following documents ('the assurance package') which shall cover the preceding accounting year as defined in Article 2(28)“, the harmonization of the regular calendar and the accounting year would make more difficulties to submit documents for COM for accounting year until 15 February.

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?

In the current AMIF period the cooperation with audit authority was appropriate and no communicating problems occurred.

# LUXEMBOURG

- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.17: positive /negative?  
Questions and comments?  
For which cases article 17 precisely intervenes? Which member state is entitled to the additional allocation? What are exactly the conditions for receiving the additional allocation(s)?
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.30: positive /negative?  
Questions and comments?  
The date of submission for the performance reports has been brought forward by 6 weeks compared to the present situation (implementation reports 31/3/n+1)
- ANNEX V: positive/ negative?  
Questions and comments?  
SO1 (3.): this indicator poses numerous problems for calculating, controlling and interpretation. It should be deleted or replaced by another, more relevant indicator

<b><u>Detailed questions on the proposal:</u></b>
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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:  
  
As we got explained, this is the starting picture and the money could be redistributed if there is a need.
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:  
  
What years will be considered for the calculation? If 2018-2020 will be considered, the crisis years will be excluded
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:  
  
no comment



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:

Depending on the definition of integration on the AMF; if AMF will only cover short-term integration, the 30% for integration will be difficult to reach.

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?

No changes

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)**)

I think that it is a good idea but first there need to be a definition of the splitting, otherwise it won't be able to check for the AA. Splitting-up short- and long term integration will be very difficult from the point of view of the scope and content of the actions/projects to set up, but also from an organizational point of view, as AMIF and ESF are managed by 2 different bodies

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

No

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)**)

No

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**) If no, please elaborate:

Yes it can give a flexibility-point to the fund.

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**)

Yes, a higher percentage would be great

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:

Yes

12. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**) If no, please elaborate:

see above: Art 31. No, we are not at all in favor of this, because it is a massive increase in administrative burden and for small countries it will have a big impact.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

As the AMIF- ISF committee asked already in a Workshop, we would prefer to work on our one in a committee on these result indicators

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?

It would be good to have the SCOs but we are not ready to have them at the beginning. That will say that we will have as administrative burden to implement them. At the end of the process, it will be a smaller administrative burden but at the beginning, it will be hard work. Simplified cost options will be beneficent on the long-term, but their set-up will be very resource-consuming, as we don't have any experience with SCO. The upper limit of 200.000 € (article 48) means that nearly all our projects will have to apply SCO. Member states should decide themselves for what project SCO's should/can be applied or there should be a possibility in workshops to implement them together before the mid term review.

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?

The difference between the EU budget exercise and the calendar year (which corresponds to our national budget year) as applied in AMIF 2014-2020 increased the administrative burden considerably. We would appreciate a harmonization it but I think for the AA and the clearance of the accounts it won't be possible considering the deadlines for submitting the accounts and the annual reports

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

That's a great 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?

No, we don't have problems in the communication between AR and AA.

# MALTA

- Chapter I – General Provisions (Art.1-6):
  - Art.1: positive  
No comments at this stage
  - Art.2: positive  
With regards to points (f) and (h) of this article, references should take into account any new proposal (recast) of the Return Directive that may be adopted in due course.
  - Art.3: negative  
Malta is not convinced of the approach proposed by the Commission to have support for long-term integration measures shifted from the Asylum and Migration Fund (AMF) to the European Social Fund Plus (ESF+) under Cohesion Policy. We believe that there should be one dedicated funding instrument to support integration, considering the specific needs and challenges of the sector, and that this instrument should continue to be the AMF.  
  
Do you have questions and comments regarding this article?  
  
From an implementation point of view, with regards to Article 3(2)(b) on legal migration, a clarification is requested to see if any apportionment for integration activities involving non-TCNs will be applied whilst implementing projects under this priority.
  - Art.4: positive  
No comments at this stage
  - Art.5: positive  
No comments at this stage
  - Art.6: positive  
Given the scope of the fund, further clarifications are needed to understand the implications of the explicit exclusion of natural persons under this article.
- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: positive  
No comments at this stage
  - Art.8: negative  
Although the EU financial envelope for the AMF has increased when compared to the current programming period, the share allocated to national programmes has decreased. In this context, we believe that discussions should give due consideration to increase the share of resources for national programmes and to take into account insular Member States facing disproportionate migration challenges.

- Art.9: Further information is required to understand how the thematic facility will be implemented in practice. In addition, further clarification is needed to understand if relocation will also be supported through the thematic facility.
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: positive  
No comments at this stage
  - Art.11: negative  
In accordance with the position taken under Article 14 (2) on the scope of the mid-term review, we believe that paragraph 2 should be deleted. We believe that any funds allocated for the mid-term review should be allocated to national programmes and not the thematic facility.
  - Art.12: positive  
No comments at this stage
  - Art.13: negative  
If negative, why?  
Further information is required to understand the role of the European Union Agency for Asylum and the European Coast Guard Agency at the programming stage and in the monitoring and evaluation phases of programme implementation.
  - Art.14: negative  
We consider the conditionality proposed under sub paragraph 2 of this article as too restrictive and that it will constitute excessive burden on Member States which may result in the unnecessary loss of funds. In this context, Malta believes that sub paragraph 2 on the percentage which needs to be reached to be eligible for top-ups (10%) should be deleted as the scope of the mid-term review should not be to add undue burden on national authorities but to re-adjust national programmes in order to address any possible shift in needs.  
With regards to sub paragraph 3, given that the nature of the sector is very dynamic and that the needs and responses can change very quickly, we are not convinced about the application of the performance framework to this Fund because it will not be practicable and may result in the unnecessary loss of funds.
  - Art.15: positive  
No comments at this stage
  - Art.16: positive  
We consider that discussions on this article should take into account the ongoing discussions in relation to the Union Resettlement Framework as some elements might need to be adapted to reflect the outcome of these discussions once these are concluded. In addition, we believe that support for relocation should also be made available to Member States.

- Art.17: positive  
No comments at this stage
- Art.18: negative  
The proposal for operating support under AMF is positive however, given that the sector is very volatile and the needs may change drastically within a short period of time, the introduction of a maximum threshold is considered as too restrictive. In the spirit of flexibility, we believe that there is scope to leave the decision on the amount to be used for operating support at the discretion of the Member State.
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: positive  
No comments at this stage
  - Art.20: positive  
No comments at this stage
  - Art.21: positive  
No comments at this stage
  - Art.22: Further information is required on practical examples of possible blending operations under the fund.
  - Art.23: positive  
No comments at this stage
  - Art.24: positive  
No comments at this stage
  - Art.25: positive  
No comments at this stage
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: positive  
We believe that discussions should take into account the ongoing discussions in relation to the Common European Asylum System and the Dublin Regulation as some elements might need to be adapted to reflect the outcome of these discussions once these are concluded.
  - Art.27: Further information on the application of this article is required. In addition a clarification is needed to understand the link between actions supported under the AMF and the award of a seal of excellence certification.
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: positive  
No comments at this stage

- Art.29: negative
 

A clarification is required to understand the scope of this article in the fund specific regulation taking into account the applicability of Article 40 of the new CPR to the new AMF.
- Art.30: negative
 

A clarification is needed to understand the rationale behind the requirement to prepare an annual performance report for the AMF [and other Home affairs funds] when this requirement was removed for the Cohesion funds. In the spirit of simplification, in order to minimize administrative burden, we consider that a streamlined approach should be applied across all funds falling under the new CPR.
- Art.31: negative
 

Malta is concerned with the proposal to increase the frequency of reporting. We believe that the new reporting system proposed will lead to excessive reporting requirements which will create additional administrative burden on authorities implementing the funds particularly on smaller administrations. In addition, we cannot see the added value of more frequent reporting. In the spirit of simplification, we believe that a more proportionate approach should be considered to avoid the risk of stifling the very objectives of the fund.
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: positive
 

No comments at this stage
  - Art.33: positive
 

No comments at this stage
  - Art.34: positive
 

No comments at this stage
  - Art.35: positive
 

No comments at this stage
- ANNEX I:

In considering the criteria for the allocation of funding, Malta believes that attention should be given to insular societies that face disproportionate migration pressures, as well as to those Member States which have a very high population density. In addition, in order to ensure a critical mass, the fixed amount of resources per Member State should be increased.

With reference to sub paragraph 5, Malta supports the Commission proposal to use the preceding three calendar years for the purpose of the calculation as they would provide a more updated picture of the actual needs for each Member State.

- ANNEX II: negative  
In line with the concerns raised under Article 3 (2) (b) above, Malta is not convinced about the split of integration measures between the AMF and ESF+ under Cohesion Policy. We believe that there should be one dedicated funding instrument to support integration considering the specific needs and challenges of the sector, and that this instrument should continue to be the AMF.
- ANNEX III: positive  
A clarification is requested to understand if the list of support in Annex III is a non-exhaustive list. We believe that flexibility is necessary to address the actual needs and challenges on the ground.
- ANNEX IV: positive  
No comments at this stage
- ANNEX V: positive  
No comments at this stage
- ANNEX VI: positive  
No comments at this stage
- ANNEX VII: positive  
No comments at this stage
- ANNEX VIII: positive  
No comments at this stage

<b>Detailed questions on the proposal:</b>
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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:  
  
No. Under the new proposal, even though the challenges in relation to migration have increased, the share of resources for national programmes have been decreased. The primary responsibility to address migration challenges lies within Member States therefore it is necessary that adequate resources are available for Member States to be able to address their needs and challenges on the ground. In this context, we believe that the share of resources for national programmes should be increased taking also into account the challenges faced by those Member States experiencing disproportionate migration pressures.
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:

No, Malta does not agree to include the crisis years of 2015-2016 as criteria for the distribution key. Malta would prefer to retain the Commission proposal of using the preceding three calendar years as they would provide a more updated picture of the actual needs for each member state.

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:

We believe that further flexibility is required in the allocation process to reflect better the challenges faced by Member states particularly those that face disproportionate migration challenges. In this regard, Malta believes that more attention should be given to insular societies facing disproportionate migration pressures, as well as to Member States which have a very high population density. In addition, in order to ensure a critical mass, the fixed amount of resources per Member State should be increased.

Furthermore, we are not convinced about the Commission's proposal for lower pre-financing rates as these will put further unnecessary pressures on the implementation of the programmes.

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:

Whilst the distribution key will require further assessment, we believe that the reference period of the distribution key is also an important component to be considered. As stated above, Malta would prefer to retain the Commission proposal of using the preceding three calendar years as they would provide a more updated picture of the actual needs for each member state. In addition, particular attention should be given to Member States facing high disproportionate migration challenges and to Member States which have a very high population density.

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?

At this stage, the specific objectives and implementation measures seem sufficient however, apportionment of costs on integration activities which involve directly non-TCN's should be eliminated as it defeats the scope of integration in general. Integration measures need to be carried out for both TCN's and non TCN's in the receiving country.

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)**)

Malta is not convinced of the Commission's approach to split integration measures between AMF and ESF+ under Cohesion Policy. We believe that there should be one dedicated funding instrument to support integration considering the specific needs and challenges of the sector and that this instrument should continue to be the AMF.



7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

The mentioning of specific target groups is a proposal that we are looking at constructively, however, we also believes that this topic requires further discussion to understand better the target groups envisaged under the Commission's proposal and therefore to ensure that there will be sufficient flexibility to reflect the particular situation in Member States.

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))**

Malta believes that the percentage which needs to be reached to be eligible for top-ups (10%) should be deleted. Given the nature of the projects supported under the programmes, such conditionality may lead to unnecessary loss of funds for Member States. The Mid-Term review should not add undue burden on national authorities but should serve the purpose of addressing any possible shifts in needs that may occur during programme implementation.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

Ensuring flexibility is necessary particularly to address new and/or emerging needs. The proposed thematic facility seems to be a step in the right direction in this regard, however further information is needed to understand how this will be implemented in practice.

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)**

The proposal for operating support under the AMF is positive, however, given that the sector is very volatile and the needs may change drastically within a short period of time, the introduction of a maximum threshold is considered as too restrictive. In the spirit of flexibility, we believe that there is scope to leave the decision on the amount to be used for operating support at the discretion of the Member State.

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:

The external dimension is an important component to be considered in the discussions, and the complementarity with external instruments will play an important role in asylum and migration matters.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

No, we believe that the new reporting system proposed will lead to excessive reporting requirements which will create additional administrative burden on authorities implementing the funds particularly on smaller administrations. In addition, we cannot see the added value of more frequent reporting. In the spirit of simplification, we believe that a more proportionate approach should be considered to avoid the risk of stifling the very objectives of the fund.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

Yes, we consider them as sufficient. However, it is necessary that indicators for migration funding programmes truly reflect the situation on the ground and that they are proportionate considering the very specific nature of the migration sector.

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?

We believe that the use of SCOs should be voluntary and at the discretion of the Member States. While we look positively at the use of SCOs, we believe that further guidance together with practical examples are needed to understand better their application within the migration sector.

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?

Yes, we believe that this harmonization is positive.

16. **Art. 74, 75 of the CPR**: What do you think about the single audit approach?

The application of the single audit approach is a step in the right direction however further clarity is needed to understand how this will work in practice.

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?

We did not register any problems in communicating with audit bodies. However, having more clearly defined tasks and responsibilities would be helpful for both implementing and auditing entities.

# THE NETHERLANDS

## Disclaimer:

For numerous articles the Dutch viewpoint is subject to change based on the broader positioning of the Netherlands on the MFF.

For the Netherlands, the text of the current proposal is acceptable on points where our position is indicated as 'neutral'.

If other Member States propose an amendment, the Netherlands will take a position on the basis of the exchanged arguments.

## **PROPOSAL:**

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

- Art.1: Neutral.

Do you have questions and comments regarding this article? None.

- Art.2: Neutral.

Do you have questions and comments regarding this article? None.

- Art.3: Undecided.

Do you have questions and comments regarding this article?

The Netherlands would like to have further information on the division between short-term integration (under the Asylum and Migration Fund) and mid/long-term (under ESF+). What does the Commission mean with short-term and long-term and how can AMF and ESF+ best cooperate with regard to integration measures?

- Art.4: Neutral.

Do you have questions and comments regarding this article? None.

- Art.5: Neutral.

Do you have questions and comments regarding this article?

Under the current AMF proposal the possibility is created for third countries to take part in the Fund. This is a new possibility compared to AMIF. What is the rationale behind this possibility and how does the EC envision this? Especially concerning sound financial management and control the Netherlands foresees practical challenges.

- Art.6: Neutral.

Do you have questions and comments regarding this article? None.

- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: Neutral.  
Questions and comments? None.
  - Art.8: Undecided.  
Questions and comments?  
The Netherlands would appreciate further details on the allocation within the thematic facility. How will the commission decide on the allocation of the EUR 4 166 000 000? How will MS be able to influence decisions on allocation?
  - Art.9: Neutral.  
Questions and comments?  
See comment under art 8.

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

- Art.10: Neutral.  
Questions and comments? None.
- Art.11: Neutral.  
Questions and comments? None.
- Art.12: Neutral.  
Questions and comments? None.
- Art.13: Undecided.  
Questions and comments?

In paragraph 1 of this article it is mentioned that member states have to ensure that in the National Programs the implementation measures set out in Annex II are all adequately addressed. Can the EC explain how this should be read? In the meeting of July 20 it was said that the MS are free in addressing the measures according to the specific priorities of the country, meaning they could choose and pick between the different objectives and perhaps only fulfil a certain few of them.

In paragraph 2 it is mentioned that the Commission shall ensure that EUAA and EBCGA are associated at an early stage in the process of developing the programs. It is unclear how long this consultation process will last. To be sure that the member states can execute and implement the National Programs as soon as possible – preferably at the start of the program period of AMF – the Netherlands suggest setting terms for the duration this consultation process may take.

- Art.14: Neutral.  
Questions and comments? None.
- Art.15: Neutral.  
Questions and comments? None.
- Art.16: Neutral.  
Questions and comments?  
How should paragraph 3 be read? In paragraph 1 it is mentioned that the contribution is not linked to the costs for resettlement. Hence, if the Netherlands were to resettle 100 persons, the Netherlands would receive € 1 million and according to paragraph 1 the Netherlands would have the freedom to spend this on each of the objectives. However, why then can the Netherlands not use the money to co-fund other priorities of the Fund?
- Art.17: Neutral.  
Questions and comments?  
Same question for art 16 for paragraphs 6 and 8.
- Art.18: Neutral.  
Questions and comments? None.
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: Neutral.  
Questions and comments? None.
  - Art.20: Neutral.  
Questions and comments? None.
  - Art.21: Neutral.  
Questions and comments? None.

- Art.22: Neutral.  
Questions and comments? None.
- Art.23: Neutral.  
Questions and comments? None.
- Art.24: Neutral.  
Questions and comments? None.
- Art.25: Neutral.  
Questions and comments? None.
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: Neutral.  
Questions and comments? None.
  - Art.27: Neutral.  
Questions and comments? None.
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: Negative.  
Questions and comments?  
Article 28(2) stipulates that the Commission may amend Annex V. However, if the core performance indicators are changed throughout the reporting time, there may be a risk that necessary data was not recorded from the on-set. How does the Commission envision this?
  - Art.29: Positive.  
Questions and comments? None.
  - Art.30: Neutral.  
Questions and comments? None.
  - Art.31: Neutral.  
Questions and comments? None.

- Chapter III – Transitional and Final Provisions (Art.32-35):

- Art.32: Neutral.  
Questions and comments? None.
- Art.33: Neutral.  
Questions and comments? None.
- Art.34: Neutral.  
Questions and comments? None.
- Art.35: Neutral.  
Questions and comments? None.

**ANNEXES:**

- ANNEX I: Undecided.  
Questions and comments? See answer to question 4 below.  
Additionally, as the EC proposes that initial allocation shall be based on the latest statistical data covering the preceding three calendar years, the Netherlands is concerned about being informed only relatively late about the allocations to be received. The Netherlands requests earlier, preliminary calculations as these may influence both positioning as well as planning for national programming.
- ANNEX II: Neutral.  
Questions and comments?  
The proposals do not include minimum percentages to be spent on the specific objectives like there are for the AMIF and ISF security fund (2014-2020). By not including minimum percentages the flexibility is increased which the Netherlands regards as positive. However, the Netherlands asks how the EC will ensure that the diverse set of objectives of the fund will be achieved? How will the EC ensure that no single objective may, nationally or even EU-wide, fall entirely through the cracks?
- ANNEX III: Neutral.  
Questions and comments? None.

- ANNEX IV: Neutral.

Questions and comments?

In article 13 under 7 it is mentioned that MS must strive for execution of actions mentioned in Annex IV. By delegated acts the EC can change this annex. What does this mean for the cofunding percentages of already started actions?

- ANNEX V: Neutral.

Questions and comments? None.

- ANNEX VI: Neutral.

Questions and comments? None.

- ANNEX VII: Neutral.

Questions and comments? None.

- ANNEX VIII: Neutral.

Questions and comments?

Some of the specific objectives are more of a long-term nature and would have rather been expected in ESF+. How do these two funds relate to each other in that regard? How does AMF intend to contribute to long-term integration objectives, such as labour market integration (specific objective 2(3b)).

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

The Netherlands believes MS are left with sufficient autonomy and welcomes the additional flexibility the Proposal seems to provide. However, the Netherlands would like further information on the allocation of the 40% within the thematic facility.



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:

The Netherlands believes that in terms of preparedness and capacity building, we need to acknowledge also the major trends of the past influx of migrants.

As the EC proposes that initial allocation shall be based on the latest statistical data covering the preceding three calendar years, the Netherlands is concerned about being informed only last-minute about the allocations to be received. The Netherlands requests earlier, preliminary calculations as these may influence both positioning as well as planning for national programming.

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:

The Netherlands welcomes such as distribution as it may stimulate the efforts of MS. However, the Netherlands asks if the EC could elaborate on these criteria. What is the exact division of percentages based on? In the aftermath of the high inflow from recent years, current challenges for Member States may lie mostly in the area of integration. As the overall migration flows are shrinking, could the EC consider to put additional emphasis on integration, if data would show that member states (are required to) spend most in this field?

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.

7. 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))**

The Netherlands would like to receive further explanation on the division the European Commission makes between short-term integration (AMF) and mid/long-term integration (ESF+). How does the European Commission define short-term integration and how is mid-long term integration defined? How can AMF and ESF+ best cooperate to support asylum status holders with integrating in society and accessing the labour market?

Furthermore, the Netherlands would like to ask the Commission if and how, it can make sure that member states pay sufficient attention to integration in their national ESF+ programmes? Especially now that the removal of the I (integration) from the AMIF suggests that less attention to integration will be paid under the Asylum and Migration Fund. Can the European Commission elaborate on this? Is this the case and if so, how can ESF+ fill this gap?

Lastly, on synergies, achieving and monitoring synergy and complementarity with other EU financial instruments is highlighted prominently in all three proposals. Partnership agreements are also referred to. Can the Commission explain how it sees this in practice, what in this context is expected from the Member State and how will COM support the Member States implementing the funds under shared management? The number of instruments with which synergy and complementarity must be realised is quite extensive. (For AMF, according to the proposal, 9 instruments (EAFRD, Erasmus +, Justice Program, ERDF, the external instruments, ERDF, NDICI, ISF and IBMF) and for ISF even more (Cohesion funds, AMF, IBMF, Horizon Europe, Digital Europe, Justice Program, ESF +, external instruments).

8. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

The Netherlands would like to see a clear definition on short-term and mid/long-term integration measures. Which target groups fall under short-term integration and which target groups fall under mid to long-term integration?

9. 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))**

10.

11. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

Yes. The Netherlands has always been keen on a budget capable of reacting to unforeseen challenges, either originating from implementation issues or from unforeseen events. As a first and foremost means of flexibility, the Netherlands advocates sufficient possibilities for reallocation within the existing budget, combined with sufficient margins. Both reallocation and margins provide for flexibility while maintaining the much needed predictability of the annual budget. The Netherlands supports the respective Commission proposals for flexibility within the ceilings of the MFF.

The fact that general applicable rules at EU level are currently lacking for the implementation of the Specific Actions (transnational ) has been addressed several times during the AMIF-ISF committee meetings. The participating Member States recommended that this be provided in the following period (if decided to continue the use of Specific Actions). Specific actions are included in the proposals, but general applicable rules are unfortunately lacking both in the Fund-specific proposals and in the CPR. Can they still be expected?

12. 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)**

We believe 10% to be sufficient.

13. 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:

Yes. The MFF needs to reflect the strong interconnectedness between the internal and external dimension of migration. The Netherlands welcomes the proposed merger of existing external instruments as well as a large part of the European Development Fund into the NDICI. We are not convinced though of the chosen mainstreaming approach with regard to migration. A dedicated fund for migration might have been a better option. It is important that programmes and funds dealing mostly with the internal dimension of migration, like the AMF, the ISF and the Integrated Border Management Fund, are closely linked to the NDICI, as well as to the ESF+, which should be more targeted towards successful integration of eligible asylum seekers.

14. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**)  
If no, please elaborate:

No. The new reporting system requires bi-monthly reporting (six times per year). The Netherlands believes this is not in accordance with the national agreements that have been made at an earlier stage. In addition, it is not in accordance with the Commission's pursuit to lower the administrative burden. As a result, the Netherlands is against the new reporting system. In addition, the proposed performance indicators are not all directly aimed at measuring the impact of the fund (not focused on interventions co-financed by the fund, see the relevant annexes of the 3 proposals). The latter is also the case for the current AMIF and ISF, and one of the recommendations from the (NL) interim evaluations is of relevance here because the performance / impact of the funds can hardly be measured.

15. Do you think the output and result indicators are sufficient? Which changes would you like to see? (**ANNEX VIII**)

Given the set objectives more result-based indicators could be considered. For example for objective 2 there could be a more clear indicator such as percentage of persons successfully finished education and training (# of participants / # of third country nationals who successfully were given asylum) or the percentage of persons who successfully found work. The current indicators may not fully reflect the effectiveness of the program.

16. **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?

SCO's are successful in reducing the administrative burden, but setting up SCO's asks for intensive discussion with local Audit Authorities. Publication of clear(er) guidelines will help in achieving a significant reduction of administrative burden.

17. **(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?

Neutral.

18. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

Positive.

19. **(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?

There is a clear definition of tasks and responsibilities. The Dutch RA for AMIF and ISF and the Dutch Audit Authority have invested in their relationship, have created structural meetings between RA, DA and AA and therefore, there is an ongoing dialogue.

# POLAND

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

- Art.2: positive /negative?

We suggest to include a definition of short-term or early-stage integration in the article.

We suggest to add the information on the forms of calls for proposals that are acceptable under the Fund (e.g. an open call, a restricted call, a direct award) in order to avoid questions in the future.

Recital (d) - definition of a family member is imprecise. Recital 16 of the preamble already includes the definition. We suggest moving the definition from the preamble to 2 (d).

Recital (j) - definition of vulnerable person is very imprecise. The policy area is known, hence the definition may include a reference to a specific regulation/legal act.

- Art.3: positive /negative?

Par. 2b. The provision should be compliant with the Preamble (13) and Annex II pt. 2b and should refer to early-stage integration.

Annex II, item 3 (b) mentions reducing incentives for irregular migration. Does it cover fighting irregular employment? In preamble, recital 26 provides for support of Directive 2009/52/EC which prohibits the illegal employment of migrants. This constitutes a major change (in comparison to AMIF), which actually reflects the responsibilities of the Polish Border Guard. In consequence also the National Labour Inspectorate may become a beneficiary. We suggest more explicit inclusion of this area in the implementation measures.

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

- Art.8: Negative as for par. 2

Par. 2: We recommend a discussion on the allocation to the programmes implemented under shared management and to the thematic facility. The Member States should have more autonomy as they effectively identify their needs. We recognize the need of reducing the financial resources that are to be allocated to the thematic facility (e.g. to 30% i.e. EUR 3 124 500 000).

Questions and comments?

The part of the financial envelope which can be allocated for technical assistance at the initiative of the Member States should be indicated in the regulation.

- Art.9: positive /negative?

Questions and comments?

Par. 7. Does the meaning is that the Commission may unilaterally amend MS's programmes?

- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.12: positive /negative?  
 Questions and comments?  
 Par. 7: What is the reason for differentiation between private and public contributions in case of the co-financing level?
  - Art.13: Negative as for par. 8  
 We consider the obligation to consult the decisions on implementing projects with or in a third country as limiting the autonomy of the Member States. In addition, this provision will extend the implementation process.  
 Consulting with the Commission the start of the project before MS decides to implement the project with or in a third country with the support of the Fund, will result in administrative burden and longer deadlines for project implementation. Moreover, the regionalization of migration problems is different in the Member States. Migration processes are not permanent. The liquidation of a migration route creates a new one. Therefore, each Member State should have the autonomy in the development of projects related to cooperation with third countries and in the possibility of quick response to migration changes.
  - Art.14: positive /negative?  
 Questions and comments?  
 We suggest to change the phrase “If at least 10% (...) has not been (...)” to “If less than 10% (...) has been covered (...)”.
  - Art.15: positive /negative?  
 Questions and comments?  
 Does par. 2 refer only to specific actions?
  - Art.16: positive /negative?  
 Questions and comments?  
 As regards the AMF resources for resettlement actions, Poland support all the activities which are based on the voluntary participation in mentioned programmes.  
 Does par. 2 mean that the amount may be allocated only if the person was ALREADY effectively allocated (i.e. before the amendment)?
  - Art.17: positive /negative?  
 Questions and comments?  
 Does par. 3 mean that when a member state receives any amount under paragraphs 1 and 2 then it is eligible for additional contribution for ANY person granted international protection (also those not related to pars 1 and 2)?  
 The same question to par. 4.

Does par. 7 mean that the amount may be allocated only if the person was ALREADY effectively transferred (i.e. before the amendment of the programme)?

Due to the fact that the Dublin Regulation proposal is currently being negotiated, Poland would like to express scrutiny reservation. Moreover, Poland still maintains its strong objection towards obligatory and automatic redistribution mechanism. The creation of a sustainable crisis mechanism which will be based on the migrant's redistribution mechanism cannot be seen as a proper solution. Poland holds the view that this approach will not lead to alleviate the migration pressure but will attract further waves of migrants into the EU creating a strong pull factor.

- Art.18: positive /negative?

Questions and comments?

How compliance with the Union *acquis* on asylum and return is defined? The criteria included in preamble (32) are not clear as for the meaning of “a clear risk of a serious breach by the Member States of the Union’s values”.

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):

- Art.26: positive /negative?

Questions and comments?

Coordination and synergy should be maintained between the emergency assistance under the AMF, actions under the Union Civil Protection Mechanism (established by the DECISION 1313/2013 of 17 December 2013 on the Union Civil Protection Mechanism) and the Emergency Support Instrument (established by the COUNCIL REGULATION 2016/369 of 15 March 2016 on the provision of emergency support within the Union) or their successors-to-be, in order to secure a possibility for the EU to support the Member States in provision of humanitarian assistance inside the EU in case the Member States experience heavy migratory pressure.

- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):

- Art.31: positive /negative?

Questions and comments?

The second paragraph refers to “These indicators” while the first paragraph does not mention any indicators.

- ANNEX I: positive/ negative?

Questions and comments?

Do the fixed percentages regarding the allocation also need to be applied by the Member States in the distribution of money to the specific objectives? If yes, Poland suggest some flexibility within the 30/30/40 rates depending on each Member State’s needs.



Do we understand correctly, that par 3 (c) first dash excludes third country national entering the MS territory with a country visa (reason for travel – work)? But if the person receives a second visa of this kind they are included in the calculation. In PL migration flows are often circular. These migrants should be subject to integration measures as well, therefore be included in the calculation of the allocation.

- ANNEX III: positive/ negative?

Questions and comments?

Pt. 1 and 4. In our view, the scope of support should include not only setting up of administrative structures, systems and tools but also development of the existing ones.

Pt. 2. We suggest to extend the scope of support and include also IT systems development, pre-integration measures, legal, social and health assistance.

Pt. 3b. On one hand the criteria defined in Annex 1 exclude (3(c) dash 1) exclude “Third country nationals being issued a work-related first residence permits valid for less than 12 months“ from calculation of the allocation. On the other scope of support provides for support of “development of mobility schemes to the Union, such as circular or temporary migration schemes”.

Pt. 3g. We would like to know which actions are eligible to be financed under the AMF, ESF+ and ERDF.

- ANNEX V: positive/ negative?

Questions and comments?

Pt. 2.2. The indicator should be compliant with the Preamble (13) and Annex II pt. 2b and should refer to early-stage integration.

- ANNEX VII: positive/ negative?

Questions and comments?

In our view, maintenance and development costs should be covered by operating support.

- ANNEX VIII: positive/ negative?

Questions and comments?

Indicator 4 for specific objective 1 is actual two indicators.

#### **Detailed questions on the proposal:**

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:

No. We recommend a discussion on the allocation to the programmes implemented under shared management and to the thematic facility. The Member States should have more autonomy as they effectively identify their needs. We recognize the need of reducing the financial resources that are to be allocated to the thematic facility (e.g. to 30% i.e. EUR 3 124 500 000).

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:

No, the crisis years of 2015-2016 should not be considered as criteria for the distribution key because those years do not reflect the current migratory situation in the Member States.

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))**

We are of the opinion that a clear distinction between early-stage and long-term integration of third-country nationals is crucial regarding continuity of the integration process. The scope of support should not be subject to interpretation in the future. For that reason, actions addressing integration that are eligible to be financed under the AMF, the ESF+ and the ERDF need to be indicated in the regulation.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

In our judgement, it is recommended but not crucial as they can be identify basing on art. 78 and 79 of the TFEU.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

No. We strongly recommend that all data necessary for monitoring progress in implementation should be transmitted every three months (instead of two).

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?

In case of the AMF, the ISF and the BMVI the SCOs should be applied on voluntary basis as costs of establishing SCO rules at the MS level may not justify its application.

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?

Yes, the current situation (AMIF) and the proposal (AMF) puts unnecessary burden. The new Financial Regulation, binding for AMF, specifies a financial year as a period which runs from 1 January to 31 December (art. 9).

# PORTUGAL

## PROPOSAL:

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

- Art.1: positive
- Art.2: positive
- Art.3: positive

Although the overall analysis of this article deserves a general support from Portugal, particular focus and further clarity may be needed in two concrete dimensions:

- a. The external dimension of the CEAS – ie, (a), n. 2 – being relevant to guarantee that there will not be a duplication of financial resources and obligations once considering the Funds specifically aiming at the EU’s external policy.
- b. The integration of Third Country Nationals – being relevant to guarantee that there will not be a duplication of financial resources and obligations once considering the Social European Fund +.

- Art.4: positive
- Art.5: positive

It would be important to include, in the proposed art., in particular in its first bullet, a clearer definition of what is to be considered as “*fair balance*”.

- Art.6: positive

Portugal departs from a positive view on this article.

Nonetheless, there are concrete doubts on the manner upon which a legal entity established in a third country may be eligible to the Fund. Perhaps the experiences of the instruments dedicated to the external policy of the EU may be relevant in this regard, but in this case Portugal considers important for the European Commission to provide further written clarification on this matter.

To bear in mind concrete examples, an NGO, of which no particular or credible information may be available, and which may fall out of the scope of auditing and control of the Management Authorities of the Fund, is to be considered eligible?

In case of misuse of the Fund, which instruments do the Management Authorities, or even the European Commission and Court of Auditors, have in their hands to possibly force the return of the money that has been granted?

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

- Art.7: No particular comments at this stage.

○ Art.8: Reservation.

Portugal considers that two particular questions need to be further discussed and analysed regarding the proposed article:

- a. the overall amount to be attributed to the area of asylum, migration and integration – although recognising the increase, once compared with the amount of money allocated through the current AMIF, Portugal considers that this subject needs further guidance from the European Council;
- b. the overall amount, resulting from the application of the 40% of the fund to be attributed to the thematic facility, should not be considered closed before the necessary technical discussion on the actions, priorities and methodology to be used for this purpose.

Furthermore, Portugal considers that further justification should be provided, by the European Commission, on the 10% which will remain to be attributed until the mid term review. Guarantees should be given to the member states on the effective availability of this money, as well as on their distribution to the Member States according this initial partition (the 10% to be handed to Member State A must not be reaffected to Member State B).

○ Art.9: Need for further information and consideration.

Portugal deems of particular importance to further analyze the information to be prepared and shared by the European Commission. Portugal does not necessarily have a positive view on the proposal of 40% of the overall budget to be attributed to the thematic facility, as there has always been a more favorable view over the need to increase shared management.

On the other hand, Portugal considers that there is a clear need to improve the transparency and predictability over the management done by the European Commission to the budget at its responsibility in this context.

In line with this view, Portugal considers that there is a need to avoid additional administrative burden, to be borne by the Management Authorities, as well as by the beneficiaries, each time there is a Top Up of the financing available through the National Programs.

The need for predictability should also be taken into account once considering situations of public procurement procedures, where the service demanders would much gain from knowing, from off the beginning, the total amount of money that they would have available, not depending on extra-financing, resulting from the a.m. Top Ups, along the implementation period.

Lastly, Portugal requires further information on are to be Specific Actions implemented only with / through one Member State.

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

- Art.10: No particular comments at this stage.
- Art.11: Please see comments on Art. 8.

- Art.12: Positive.
  - Portugal welcomes the general cofinancing rate of 75%.
  - Portugal welcomes the inclusion of the contribution from the Union budget may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.
  - Portugal welcomes the inclusion of the Operating Support, with a cofinancing rate of up to 100%, in the AMF.
- Art.13: Reservation.
  - n. 3 - Portugal has particular concerns on the role to be played by European Agencies in this regards. It is essential to avoid the repetition of mistakes committed in the current programing period, namely Frontex changing its views and its technical requirements for the materials and transportation / patrol means to be acquired with the contribution of the Fund, a decision taking in the middle of the implementation period. This example shows the need for there to be further consideration on the extent and the relevance of the positions of the Agencies.
  - n. 4 – Portugal welcomes the reference to the priority to be attributed in the usage of the Fund for the implementation of vulnerability assessments and Schengen evaluation recommendations.
- Art.14: negative
  - Portugal is bound to stress its reservations over this proposal.
  - The identification of a minimum threshold of 10% of payment requests, to be presented until the mid term review of 2024, as a factor to define the extra allocation of the 10% defined in this regulation, does not deserve the support of Portugal, for two concrete reasons:
    - a. The 10% in question should always be attributed to the Member State at stake, regardless of its financial consumption at a particular moment in time. These 10% are to be considered as part of the overall amount to be managed by the Member State, and thus must not depend on subjective decisions of the European Commission;
    - b. The 10% of minimum threshold for payment requests at 2024 should, in principle, be positive, but it must also take into consideration the possibility for the start of the implementation of the Fund / of the National Programs to be delayed, for reasons that, in line with what occurred in the current programing period, cannot be attributed to the Member State’s Management Authorities and/or Beneficiaries. It this would be the case in the current programing period – something far from impossible if one considers the timing for the general elections to the European Parliament – the completion of such a rule of minimum 10% of payment requests may be jeopardized, thus calling for different provisions in this regards.

- Art.15: positive
  - Further information need on Specific Actions to be implemented by a single Member State.
- Art.16: Negative
  - Portugal does not agree with the fixed provision of 10.000 euros for resettlement and relocation.
  - This amount is clearly limited to the financial allocation under the current programing period, not taking into account the impacts of inflation, the increased costs with housing or general expenses to be borne for the support of these resettled or relocated persons.
  - Portugal considers that the final provision should double the amount of money foreseen for this purpose to an overall of 20.000 euros per person.
- Art.17: Negative
  - Portugal does not agree with the fixed provision of 10.000 euros for resettlement and relocation.
  - This amount is clearly limited to the financial allocation under the current programing period, not taking into account the impacts of inflation, the increased costs with housing or general expenses to be borne for the support of these resettled or relocated persons.
  - Portugal considers that the final provision should double the amount of money foreseen for this purpose to an overall of 20.000 euros per person.
- Art.18: Positive & Negative
  - Portugal considers that the overall amount to be used under Operating Support should be up to 20%. This would allow for a more concrete contribution of the Fund to the results in the areas of migration, asylum and return.
  - This would allow simpler mechanisms for effective support to the public and competent authorities for the a.m. areas.
  - Portugal positively welcomes the inclusion of the Operating Support on the AMF Regulation.
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: positive
  - Art.20: positive
  - Art.21: positive
  - Art.22: positive
  - Art.23: positive
  - Art.24: positive
  - Art.25: positive

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: positive
  - Art.27: No particular comments at this stage.
- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: Negative
 

Portugal must present its reservations over the possibility for there to be an extra amount of workload for the beneficiaries, in particular in what concerns to the presentation of reports and statistical data.
  - Art.29: positive
  - Art.30: Negative
 

Portugal maintains its position according to which the financial consumption and financial year should be aligned with the calendar year. We have nothing the possibility of this alignment to oblige to a different reporting period.

Although Portugal welcomes the concretion of one single performance report, composed of the current – different and non-aligned – reporting obligations imposed to the Member States, Portugal stresses its opposition over the provisions obliging the beneficiaries towards reporting 6 times a year. This will imply a significantly higher amount of administrative burden, both for the beneficiaries as well as to the management authorities, with no foreseeable advantages for the usage of the Fund.
  - Art.31: No particular comments at this stage.
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: positive
  - Art.33: positive
  - Art.34: positive
  - Art.35: positive
 

Portugal stresses the importance of the proposed regulation to be applied, indeed, from off the 1st of January 2021 onwards.
- ANNEX I: negative
 

The criteria that has been found assumes a rather complex nature, which may be clearly disadvantageous for Member States such as Portugal.

A Member State that has correctly managed its migratory fluxes, and at the same time contributed to the Common European Asylum Policy, be receiving a high number of resettled and relocated persons, is certainly not favored by the criteria included in the proposal set out in Annex I of this Regulation.

In line with the same view, the proposed criteria, by focusing on absolute numbers of Third Country Nationals to be integrated in the Member States of the EU, does not allow for a clear priority to be attributed to the quality and positive results deriving from these integration efforts.

Furthermore, and without prejudice to the need for further discussion and analysis of the criteria proposed, Portugal has substantial reservations on the partition that has been proposed, according to which the financial allocation should be distributed accounting for an overall of 40% based on the efforts of countering irregular migration, including returns. The effort put, on the Common European Asylum System, by the significant amount of asylum requests and refugees, should determine a partition, one that would probably favor asylum and integration, in a fairer manner once compared to return.

Simultaneously, Portugal considers important that the data to be taken into account for the application of the proposed distribution key should bear account also of the most critical years, in terms of asylum requests and mixed migratory flows, aiming at the European territory, notably the years of 2016 and 2017.

Portugal stresses, once again, the importance of the European Commission to share with the Member States the preliminary, and provisional, provisions of the financial allocations resulting from the application of the current formula.

A last remark to underline that all statistical data, irregardless of its origin, should be subject to prior consultation and confirmation with the concerned Member State.

- ANNEX II: Positive  
Particular attention, and possible need for further detailed written clarification from the European Commission, should be given to (b), n. 2 – *early integration measures*. Important to avoid misinterpretations and double financing with the ESF+.  
In any case, Portugal must stress its view of the importance of AMF for the support of measures, as early as the arriving stage, constituting of an appropriate early response. In our view, structural measures should be addressed by ESF+.
- ANNEX III: Positive  
Portugal suggests the inclusion of transportation means, in particular in what concerns to the actions to be carried out in line with n. 4 of the current annex.
- ANNEX IV: Portugal considers that should be given further detailed written clarification from the European Commission concerns to definition and framework for the special reception and/or procedural needs.
- ANNEX V: Reservations over the gathering of some of the indicators.
- ANNEX VI: No particular comments at this stage.



- ANNEX VIII: Reservations over the gathering of some of the indicators.

<p><b>Detailed questions on the proposal:</b></p>
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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:

**NO.** As previously mentioned, Portugal is of the view that there should be a reinforcement of shared management. In this case, the proposal put forward by the European Commission provides for a significant, and not justified, increase of the percentage of the Fund to be used under direct management, something that does not deserve our support. Not only the Commission does not seem to be able to present clear cut justifications for this proposed increase, as it is incapable of demonstrating the added value of this decision. Portugal considers that such high amount of the budget to be centralized in the European Commissions' hands does not contribute for the need to safeguard transparency, predictability and better financial management of the Fund, in line with its primary objectives. One should, allthemore, bear in mind that the Commission is, in practice, and if this proposal is to be adopting, reserving a total sum of 50% of the Fund, to be solely managed by its services, as it cannot be forgotten the 10% of financial allocations, on top of the thematic facility, which are to be managed by the Commission and possibly attributed, given very strict conditions, to the Member States, in the context of the Mid Term Reviews.

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:

**YES.**

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:

**NO.** As Portugal has stated in various occasions, although we can welcome the new possibility for the submission of up to 4 intermediate payment requests per year, if the levels of prefinancing, currently stated in the proposals, are to be maintain, they will constitute a clear impediment to the proper financial consumption of the Fund. One has to bear in mind that, in the context of the current programing period, the annual prefinancing level is up to 5% of the overall budget. The proposal for the new programing period foresees a decrease from 5% to 0.5%, which will have an enormous impact in the selection of proposals by the management authorities, notwithstanding the impact in the real implementation capacity of the beneficiaries. If the current proposal is to move forward, it seems rather clear that most of the Member State will start the implementation period with a very low / limited of calls to be opened, as they will not be able to pay for the prefinancing of the projects, and will inevitably concentrate the concretion of the projects to a timing when they will start benefiting from the payment requests of the projects, something that will clearly lower the level and speed of the implementation of the Fund.

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:

**NO.** Without prejudice to the need for further discussion and analysis of the criteria proposed, Portugal has substantial reservations on the partition that has been proposed, according to which the financial allocation should be distributed accounting for an overall of 40% based on the efforts of countering irregular migration, including returns. The effort put, on the Common European Asylum System, by the significant amount of asylum requests and refugees, should determine another partition, one that would probably favor asylum and integration, in a fairer manner once compared to return. As a last resource, Portugal could possibly support a balance approach, according to which the partition would be of 33% per each of the three major objectives / policy areas.

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?

No particular suggestions for changes at this stage.

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)**)

For Portugal, the most important is to guarantee that the paths are clear, both for AMF and ESF+. It is of utmost importance to avoid the duplication of financial resources / funding, as it will constitute a major problem in terms of audits and controls. The clearer the borders / barriers are between the two funds, the better for their implementation.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

For the reasons previously mentioned in response to question n. 7, Portugal can agree with this proposal.

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)**)

**YES.** To start with, Portugal considers that further justification should be provided, by the European Commission, on the 10% which will remain to be attributed until the mid term review. Guarantees should be given to the member states on the effective availability of this money, as well as on their distribution to the Member States according this initial partition (the 10% to be handed to Member State A must not be reaffected to Member State B).

Furthermore, the identification of a minimum threshold of 10% of payment requests, to be presented until the mid term review of 2024, as a factor to define the extra allocation of the 10% identified in this Regulation, does not deserve the support of Portugal, for two concrete reasons:

- a. The 10% in question should always be attributed to the Member State at stake, irregardless of its financial consumption at a particular moment in time. These 10% are to be considered as part of the overall amount to be managed by the Member State, and thus must not depend on subjective decisions of the European Commission;
- b. The 10% of minimum threshold for payment requests at 2024 should, in principle, be positive, but it must also take into consideration the possibility for the start of the implementation of the Fund / of the National Programs to be delayed, for reasons that, in line with what occurred in the current programming period, cannot be attributed to the Member State's Management Authorities and/or Beneficiaries. It this would be the case in the current programming period – something far from impossible if one considers the timing for the general elections to the European Parliament – the completion of such a rule of minimum 10% of payment requests may be jeopardized, thus calling for different provisions in this regards.

Portugal thus suggests the deletion of this threshold.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)**  
If no, please elaborate:

**NO.** For the reasons already explained in the responses provided to this questionnaire, Portugal considers that tis possibility will only bring extra administrative burden, lack of transparency and predictability.

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)**

**NO.** Portugal considers that the overall amount to be used under Operating Support should be up to, at least, **20%**. This would allow for a more concrete contribution of the Fund to the results in the areas of migration, asylum and return.

This would allow simpler mechanisms for effective support to the public and competent authorities for the a.m. areas.

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:

To respond to this question the Member States need, in our view, further information on the complementary and methodology for the usage of the funds available in this regard. Portugal reserves its position on this to a later stage.

12. Are you in favor of the new reporting system (more frequent reporting)? **(Art.28-31)** If no, please elaborate:

**NO.** Portugal stresses its opposition over the provisions obliging the beneficiaries towards reporting 6 times a year. This will imply a significantly higher amount of administrative burden, both for the beneficiaries as well as to the management authorities, with no foreseeable advantages for the usage of the Fund.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? **(ANNEX VIII)**

These assume a rather complex nature.

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?

In Portugal's view, the usage of SCOs can only be effective if the European Commission will, in advance, provide the Member States with clear and concrete guidance, based on the statistical data at its disposal, in order to allow for the usage of the SCO.

To oblige the Member States to create the methodology, to test it, to validate it with the audit authorities, and to implement it in the current programming period will, not only jeopardize its concretion, but also the effectiveness of the management of the overall rest of the Fund.

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?

**YES.** It would allow for better implementation conditions for the beneficiaries and stronger consumption rates, due to the fact that national budgets are still of a yearly basis, from 1st of January to the 31st of December each year. It would also decrease the administrative burden for the management authorities and better comprehension of the obligations, and timings, to be put on the beneficiaries.

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

No particular comments against the proposed option.

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?

Portugal's Responsible and Delegated Authorities have no particular problems in terms of communication and cooperation with its audit authority. In fact, it is a quite positive and cooperative relation, one that has proven to be essential in many different occasions.

As a last remark, Portugal is of the view that the CPR should necessarily be subject to concrete discussion and approval under the Ad Hoc Working Group on JHA matters. The truth is that the CPR will have a major impact and deep implications in the implementation of the AMF, being, thus, more than justified the need for it to be discussed with those representatives that are in a better position to judge on its sectorial and concrete implications to the areas of asylum, migration, integration and return.

Portugal urges, thus, the European Commission and the Austrian Presidency to bear in mind this proposal, and to convey joint technical meetings for this purpose.

# ROMANIA

## PROPOSAL:

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

- Art.1: positive

Do you have questions and comments regarding this article? No.

- Art.2: positive

Do you have questions and comments regarding this article?

Yes. It is necessary to clearly define the term of “family member” taking into consideration the point 16 from Preamble in which it is proposed that integration actions may include immediate relatives of third-country nationals. Also, we consider that it would be better to use the same terminology and to properly establish if a family member who has a Member State nationality can be taken into consideration, counted into the integration actions and included in this specific target group.

- Art.3: positive

Do you have questions and comments regarding this article? No.

- Art.4: positive

Do you have questions and comments regarding this article? No.

- Art.5: positive

Do you have questions and comments regarding this article? No.

- Art.6: positive

Do you have questions and comments regarding this article? No.

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

- Art.7: positive

Questions and comments? No.

- Art.8: positive /negative

If negative, why?

Questions and comments?

In our opinion the sum for the thematic facility is too high.

- Art.9: positive /negative

If negative, why?

Questions and comments?

We consider that it is necessary to be better and more clearly define the terms of the financing the resettlement operations taking into consideration the fact that this is proposed as a distinct component of the thematic facility and also as a measure within the Specific Objective 1, according with the Annex II and III.

Also, we think that is useful a more clear delimitation of the financed measures from the thematic facility, having in mind the enumeration of the components (specific actions, union actions, emergency assistance, resettlement, etc.) and on the other side the provisions from point 6 where it is mentioned that “The thematic facility shall in particular, support actions falling under the implementation measure 2(b) of Annex II that are implemented by the local and regional authorities or civic society organisations”.

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

- Art.10: positive

- Art.11: negative

If negative, why?

There is a risk for the sums allocated for the mid-term review, respectively they will not be used entirely having in mind that this process will happen in 2024 and the remaining period of implementation is too short for using them.

- Art.12: positive /negative?

If negative, why?

Questions and comments?

We do not understand how EC will establish the co-financing rate for every specific objective, how will be this percent applied and which are the used criteria.

- Art.13: negative

If negative, why?

We consider that this major implication of the FRONTEX and European Asylum Agency into the programming and also into the implementation phase of the programme can have undesirable results, such as unjustified delays and a low absorption rate.

Questions and comments?

- Art.14: negative

If negative, why?

We do not consider fair for Member States to be declared ineligible for extra financing at the mid-term review if at least 10% from the initial allocation has not been covered by payments. In the actual financial period some of the National Programmes were approved and started late, but this do not mean that the financial needs will not exist.

- Art.15: positive
- Art.16: positive
- Art.17: positive
- Art.18: positive

Questions and comments?

It is needed to define the term of “public service for the Union”.

We consider that it is not clear enough if the NPs through the specific objectives can finance measures related to equipment and infrastructure, inclusive maintenance and replacement of equipment/repair of infrastructure or these actions can be financed only through operational support in the limit of 10%.

Also, the same comment regarding the increasing of the administrative burden for the implication of the FRONTEX and the European Asylum Agency.

- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):

- Art.19: positive
- Art.20: positive
- Art.21: positive
- Art.22: positive
- Art.23: positive
- Art.24: positive
- Art.25: positive

- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):

- Art.26: positive

Questions and comments?

Which are the criteria used?

- Art.27: positive



- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):

- Art.28: positive
- Art.29: positive
- Art.30: positive

Questions and comments?

The article has to be completed at paragraph 2 with the persons who have been returned (art.17 paragraph 3).

- Art.31: positive

- Chapter III – Transitional and Final Provisions (Art.32-35):

- Art.32: positive
- Art.33: positive
- Art.34: positive
- Art.35: positive

**ANNEXES:**

- ANNEX I: negative

If negative, why?

We consider that point 5 from this Annex can be restricted for some Member States and we believe that can be useful to assure a flexibility degree for the reference periods, according with the operative situation from every Member State.

- ANNEX II: positive

Questions and comments?

We propose to introduce a new provision in this Annex regarding the development of the accommodation reception capacity and the allocated budget separately for every member state to be proportional with the established quotas. Also, we think that is very important that a period of transition to be assured for the development of the reception capacity of the national asylum systems from those member states which, in the situation of the applying the fair share quota, will be outdated and as a consequence these member states could be directly transpose in crisis or even severe situations. So, we believe that is necessary of the development of the reception systems gradually and periodically with the support of the European Union and a big impact in this problem could have the financing granted through AMF.

- ANNEX III: positive

- ANNEX IV: positive

Questions and comments?

The title of the annex must be revised, because actions with 90% cofinancing are mention at art. 12 par. (3), not (2)

- ANNEX V: positive

Questions and comments?

We consider that is necessary more information about this Annex.

- ANNEX VI: positive/ negative

If negative, why?

Questions and comments?

- ANNEX VII: positive

- ANNEX VIII: positive

Questions and comments?

We consider that is necessary to introduce, as a result indicator related to Specific objective 3, the number of persons supported from the Fund (f.i. material, social assistance of the returned persons, assistance adapted to their special needs and other).

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

Now the Member States do not have enough autonomy and the percentage for shared management do not have to be reduced for increasing the direct/indirect management. Also, we consider that it would be better that the new percentage to be flexible and so, to cover the financial needs for all Member States, all over the implementation of AMF.

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:

We consider that the crisis period 2015-2016 should not be taken into consideration for the distribution of the budget for many reasons: the asylum seekers has been registered in more than one Member States until their final destination, the assistance given by some Member States to that moment was reduced to only one day, the Member States confronted back then with a crisis situation are confronting now with a low number of asylum requests (for some Member States is a reduced percentage with 60-70%) and other Member States, such as Romania, has been confronting with difficult situation right after the crisis period, respectively in the period 2017-2018. We support the initial proposal of the COM regarding the reference period, according with point 5 from Annex I.

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:

We consider that the low pre-financing can cause problems during the implementation process and be a budgetary burden for the state budget.

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:

We support the distribution in these percentages only for legal migration/integration (30%) considering that some activities/actions can be financed from ESF – with the condition of a clear definition of the tasks/actions. We consider that the percentage for asylum should be increased to 40% taking into consideration the operative situation registered to EU and national level and the new assistance requirements from CEAS which is in negotiation process, and also the importance of the resettlement and voluntary admission process in the future.

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)**)

We support the splitting, but we consider that is necessary to make a clarification and a delimitation between short term integration activities financed from AMF and long term integration activities covered through ESF+ and ERDF and to do, also, a correlation with the programme indicators.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? **(Art.4(3))** If yes, which?

We consider to be very useful a clear definition of the target groups and some additional clarification for the category of persons which are eligible for measures regarding the specific objective 2 – Legal Migration/Integration and if is possible the correlation with the new definitions from the new CEAS proposal.

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))**

We consider that this percentage should be deleted some Member States could be restricted in getting additional funds.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? **(Art.9)** If no, please elaborate:

Yes.

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)**

Yes, we are in favor with 10%.

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:

We consider that this new reporting system will create a higher administrative burden for the Member States and the beneficiaries.

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?

We are in favor for using Simplified Costs Options (SCOs) and we consider that it will lead to a lower administrative burden. We do not use the SCOs in the current financial period and for us would be very beneficial some guidelines from the COM.

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?

Yes, and we sustain the harmonization of the financial year with the calendar year.

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

We support 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?

No, we have not had communication problem with our Audit Authority, but we consider that it is in everyone's benefit to have a clear definition of tasks and responsibilities and this thing will lead to a lower administrative burden.

# SLOVAKIA

- Chapter I – General Provisions (Art.1-6):
  - Art.1: Without comments
  - Art.2: Definition of early integration and definition of short-term integration should be in Article 2 including eligible measures and time frame.  
We suggest to add a new article with definition of a target group.
  - Art.3: Without comments
  - Art.4: Without comments
  - Art.5: Without comments
  - Art.6: Without comments
- Chapter II – Financial and Implementation Framework Section 1 (Art.7-9):
  - Art.7: Without comments
  - Art.8: Without comments
  - Art.9: Without comments
- Chapter II – Financial and Implementation Framework Section 2 (Art.10-18):
  - Art.10: Without comments
  - Art.11: Without comments
  - Art.12: Without comments
  - Art.13: Without comments
  - Art.14: Without comments
  - Art.15: Without comments
  - Art.16: Without comments
  - Art.17: Without comments
  - Art.18: Without comments
- Chapter II – Financial and Implementation Framework Section 3 (Art.19-25):
  - Art.19: Without comments
  - Art.20: Without comments
  - Art.21: Without comments
  - Art.22: Without comments
  - Art.23: Without comments
  - Art.24: Without comments
  - Art.25: Without comments
- Chapter II – Financial and Implementation Framework Section 4 (Art.26-27):
  - Art.26: Without comments
  - Art.27: Without comments

- Chapter II – Financial and Implementation Framework Section 5 (Art. 28-31):
  - Art.28: Without comments
  - Art.29: Without comments
  - Art.30: We suggest to prolong the deadline for the submission of the annual performance report till 31 March. The reason is to have enough time for elaboration of the report after 15 February, when the RA is supposed to submit accounts. Also, if – during the negotiations - accounting year will not remain the period from 1 July to 30 June of the following year (as it is proposed in the current proposal of CPR), we suggest to adapt the accounts and reporting to accounting year in order to always have 8-9 months from closure of accounting year till submission of accounts and reports.
  - Art.31: Without comments
- Chapter III – Transitional and Final Provisions (Art.32-35):
  - Art.32: Without comments
  - Art.33: Without comments
  - Art.34: Without comments
  - Art.35: Without comments
- ANNEX I: point 2,3 and 4 of Annex I: we suggest to take into account the number of inhabitants of member states in the distribution key.
- ANNEX II: Without comments
- ANNEX III: Without comments
- ANNEX IV: Without comments
- ANNEX V: Without comments
- ANNEX VI: Without comments
- ANNEX VII: Without comments
- ANNEX VIII: Without comments

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

Yes



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:

We prefer to use the data from 2017 - 2019

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:

We do not agree with the cancellation of the initial pre-financing payment since leaving only an annual advance payment from the EC at a reduced rate of 0.5% of the total amount of aid combined with reimbursement of interim payments only up to 90% increases the risk of illiquidity of the MS and at the same time does not help to meet commitment of the year 2021.

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:

Yes

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?

Yes, they are sufficient, we would not like to have any changes

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)**)

According to the explanatory memorandum to the draft regulation, the Fund will support the "action of national governments, local and regional authorities and civil society groups involved in supporting the short-term integration of third-country nationals ... This proposal will support measures for the admission and early integration of third- of countries legally resident in the EU, which are generally implemented in an early phase of integration in the post-EU accession period. "

According to par. 13 Preamble of the Proposal for a Regulation "Measures funded by this Fund should support measures tailored to the needs of third-country nationals normally pursued in the initial phase of integration ... while interventions concerning third-country nationals with a longer-term impact should be financed by the European Social Fund plus (ESF +) and the European Regional Development Fund (ERDF). " However, the draft regulation itself does not reflect this approach by not defining the early integration phase or short-term integration, including the types of eligible measures and their timing.

7. Would you like to have the target groups named specifically in the AMF proposal with clear definitions? (**Art.4(3)**) If yes, which?

Yes, we suggest to have the target group defined and described specifically in a new article.

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)**)

Yes, we support the fact that the percentage for top-ups should be decreased, even deleted.

9. Do you think that the thematic facility will be beneficial in terms of flexibility? (**Art.9**)  
If no, please elaborate:

Yes, we think so

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**)

We don't object 10%.

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:

We do not expect projects' implementation in third countries.

12. Are you in favor of the new reporting system (more frequent reporting)? (**Art.28-31**) If no, please elaborate:

We are in favour of keeping current reporting system – that means accounts submitted once a year and then report submitted once a year.

13. Do you think the output and result indicators are sufficient? Which changes would you like to see? (**ANNEX VIII**)

No, indicator 3B is inconsistent with the proposal –we suggest to delete it.

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?

The Slovak republic has not used the Simplified Cost Options yet, introduction of SCOs may represent an administrative burden . In case of using SCOs, EC should publish a guideline.

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?

No, we prefer current system. It is important for the Slovak republic to submit accounts 6-7 months after closing, because that is the period necessary for the audit.

Also, if – during the negotiations - accounting year will not remain the period from 1 July to 30 June of the following year (as it is proposed in the current proposal of CPR), we suggest to adapt the accounts and reporting to accounting year in order to always have 8-9 months from closure of accounting year till submission of accounts and reports.

16. **(Art.74, 75 of the CPR):** What do you think about the single audit approach?

We welcome 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?

No, we do not have problems with our audit authority, their responsibilities are sufficiently defined.

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