EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

18.10.2006

COMPROMISE TEXT

Barbara Kudrycka

Proposal for a decision of the European Parliament and of the Council establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows'

Proposal for a decision (COM(2005)0123 – C6-0125/2005 – 2005/0047(COD))

ANNEX

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Amended proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL establishing the External Borders Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows's	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL establishing the External Borders Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty establishing the European Community, and in particular Article 62, paragraph 2 thereof, Having regard to the proposal from the Commission[1], ***Having regard to the opinion of the European Economic and Social Committee[2],*** ***Having regard to the opinion of the Committee of the Regions[3]*** Acting in accordance with the procedure laid down in Article 251 of the Treaty[4], Whereas:	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty establishing the European Community, and in particular Article 62, paragraph 2 thereof, Having regard to the proposal from the Commission[5], Acting in accordance with the procedure laid down in Article 251 of the Treaty[6], Whereas:

[1] OJ C …
[2] OJ C …
[3] OJ C …
[4] OJ…
[5] OJ C …
[6] OJ…

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(1) While each Member State contributes to a high and uniform level of control on persons and surveillance of the external borders of the European Union within the framework of common rules, some Member States face a heavier burden than others.	(1) While each Member State contributes to a high and uniform level of control on persons and surveillance of the external borders of the ***Member States of the*** European Union within the framework of common rules, some Member States face a heavier burden than others
(2) The difference of the burden is explained by the different situations prevailing in Member States as regards the geography of the external border, the number of authorised and operative border crossing points, the level of migratory pressure, both legal and illegal, the risks and threats encountered and finally the workload of the national services regarding the examination of visas applications and the issuing of visas.	(2) The difference of the burden is explained by the different situations prevailing in Member States as regards the geography of the external border, the number of authorised and operative border crossing points, the level of migratory pressure, both legal and illegal, the risks and threats encountered and finally the workload of the national services regarding the examination of visas applications and the issuing of visas.
(3) Burden-sharing between Member States and the Union for the management of external borders is one of the five components of the common policy for the management of the external borders, as proposed by the Commission in its Communication of 7 May 2002 'Towards integrated management of the external borders of the Member States of the European Union[7] and endorsed by the Council in its 'Plan of the management of the external borders of the Member States of the European Union'[8].	(3) Burden-sharing between Member States and the Union for the management of external borders is one of the five components of the common policy for the management of the external borders, as proposed by the Commission in its Communication of 7 May 2002 'Towards integrated management of the external borders of the Member States of the European Union[9] and endorsed by the Council in its 'Plan of the management of the external borders of the Member States of the European Union'[10]

[7] COM(2002) 23.
[8] Council Document 10019/02, 14 June 2002.
[9] COM(2002) 23.
[10] Council Document 10019/02, 14 June 2002.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(4) While the Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union[11] (hereafter referred to as "the Agency") constitutes an important step towards the progressive development of the operational dimension of the common integrated border management system, the implementation of effective and common standards for control and surveillance of the external borders calls for a Community financial solidarity mechanism in order to support the Member States who endure, for the benefit of the Community, a lasting and heavy financial burden.	(4) While the Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union[12] (hereafter referred to as "the Agency") constitutes an important step towards the progressive development of the operational dimension of the common integrated border management system, the implementation of effective and common standards for control and surveillance of the external borders calls for a Community financial solidarity mechanism in order to support the Member States who endure, for the benefit of the Community, a lasting and heavy financial burden.
	(4a) The common corpus of legislation as defined in particular by Regulation (EC) No /2005 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) calls for border checks to help combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States` internal security while at the same time it provides for border checks to be carried in such a way as to fully respect human dignity.

[11] OJ L 349, 25.11.2004, p. 1.
[12] OJ L 349, 25.11.2004, p. 1.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(5) The External Borders Fund (hereafter referred to as "the Fund") should express solidarity through financial assistance to those Member States who apply the Schengen provisions on external borders.	(5) The External Borders Fund (hereafter referred to as "the Fund") should express solidarity through financial assistance to those Member States who apply the Schengen provisions on external borders.
(6) Such financial assistance should be modulated in such a way to be at the same time a bridge with the past financial contributions of the European Union to the Member States who at the time of entry into force of this Decision do not yet apply all parts of the provisions of the Schengen acquis, without, however, constituting a mere continuation of the actions funded previously from other sources covered by the general budget of the European Union. In such cases, the Fund should assist those Member States preparing for full participation ***which, in the spirit of the Hague Programme, should happen*** as soon as possible.	(6) Such financial assistance should be modulated in such a way to be at the same time a bridge with the past financial contributions of the European Union to the Member States who at the time of entry into force of this Decision do not yet apply all parts of the provisions of the Schengen acquis, without, however, constituting a mere continuation of the actions funded previously from other sources covered by the general budget of the European Union. In such cases, the Fund should assist those Member States preparing for full participation as soon as possible, ***in accordance with the Hague Programme***.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(7) Moreover, the Fund should take into account specific situations, such as the transit by land of third country nationals who must necessarily cross the territory of one or several Member States in order to travel between two parts of their own country which are not geographically contiguous, not only in the own interest of the Member State(s) concerned but of all Member States which have abolished checks at their internal borders. In such cases, the actions to be financed should be exhaustively defined and the allocations of resources should be determined on the basis of a factual assessment of the needs in relation to these actions.	(7) Moreover, the Fund should take into account specific situations, such as the transit by land of third country nationals who must necessarily cross the territory of one or several Member States in order to travel between two parts of their own country which are not geographically contiguous, not only in the own interest of the Member State(s) concerned but of all Member States which have abolished checks at their internal borders. In such cases, the actions to be financed should be exhaustively defined and the allocations of resources should be determined on the basis of a factual assessment of the needs in relation to these actions.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	(7A) Recalling that the External Borders Fund contributes to the development of a European common integrated border management system which includes all the measures relating to policy, legislation, systematic cooperation, the distribution of the burden, personnel, equipment and technology taken at different levels by the competent authorities of the Member States in cooperation and where necessary with other actors utilising inter alia the four-tier border security model and integrated risk analysis of the European Union in order to ensure uniform and high quality external border control and flexible cross-border traffic.
	(7B) In accordance with Protocol No 5 of the Lithuanian Accession Treaty on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the Fund shall bear any additional cost incurred by implementing the specific provision of the acquis provided for such transit.
	(7C) As a complement to the operational cooperation developed under the aegis of the Agency and in addition to the allocation of the funds to the Member States, the Fund should also introduce the possibility for a Community response to [...] weaknesses at strategic border points by co-financing specific actions to address these weaknesses, on the basis of a specific amount set aside each year for these actions.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(8) The Fund should include support for national measures and co-operation between Member States in the area of visa policy and other pre-frontier activities, taking place in a stage, which is preliminary to external border controls. An efficient management of activities organised by the consular services of the Member States in third countries is in the interest of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration for the European Union and constitutes an integral part of the common integrated border management system.	(8) The Fund should include support for national measures and co-operation between Member States in the area of visa policy and other pre-frontier activities, taking place in a stage, which is preliminary to external border controls. An efficient management of activities organised by the consular services of the Member States in third countries is in the interest of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration for the European Union and constitutes an integral part of the common integrated border management system.
	(8A) In light of the scope and the purpose of the Fund, it cannot, in any event, support actions with respect to areas and centres for holding persons in third countries.
(9) Objective criteria should be established to allocate the funds to the Member States. These criteria should ***take into account constant elements which determine the actual starting point of a Member State as regards its obligations pursuant to the provisions of the Schengen acquis, and more variable elements, which express the work load of national authorities. Certain constant elements, could, however be weighted, inter alia to take into account the risks and threats at external borders, the relative work load at consular offices or the size of the passenger flows at authorized border crossing points. Here, the Agency could be requested to provide assistance***.	(9) Objective criteria should be established to allocate the funds to the Member States. The criteria should ***be broken down according to the type of borders, taking into account the flow and the levels of threat at the external borders of the Member States of the European Union.***
	(9A) The application of the criteria should be reviewed in 2010 to enable any new circumstances arising, including in particular those resulting from changes in the external borders themselves, to be taken into account.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(10) In view of the mission of the Agency to assist Member States in implementing the operational aspects of external border management and in order to develop complementarity between its mission and the responsibilities of the Member States for the control and surveillance of external borders, the Agency should be consulted by the Commission on draft multiannual programmes submitted by the Member States and on the strategic guidelines prepared by the Commission.	(10) In view of the mission of the Agency to assist Member States in implementing the operational aspects of external border management and in order to develop complementarity between its mission and the responsibilities of the Member States for the control and surveillance of external borders, the Agency should be consulted by the Commission on draft multiannual programmes submitted by the Member States and on the strategic guidelines prepared by the Commission.
(11) Moreover, the Commission may request the Agency to provide input in the assessment by the Commission of the impact of the Fund on the development of the policy and legislation on external border control, the synergies between the Fund and the tasks of the Agency, as well as the appropriateness of the criteria to allocate the funds between the Member States in light of the objectives pursued by the European Union in this area.	(11) Moreover, the Commission may request the Agency to provide input in the assessment by the Commission of the impact of the Fund on the development of the policy and legislation on external border control, the synergies between the Fund and the tasks of the Agency, as well as the appropriateness of the criteria to allocate the funds between the Member States in light of the objectives pursued by the European Union in this area.
(12) This instrument is designed to form part of a coherent framework ***entitled the General programme 'Solidarity and Management of Migration Flows'***, which aims at addressing the issue of a fair share of responsibilities between Member States as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders and from the implementation of common policies on asylum and immigration, as developed in accordance with Title IV of the Treaty establishing the European Community.	(12) This instrument is designed to form part of a coherent framework ***consisting of this Decision, the Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013, the Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008-2013, and the Council Decision establishing the European Fund for the Integration of Third-country Nationals for the period 2007-2013,*** which aims at addressing the issue of a fair share of responsibilities between Member States as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders and from the implementation of common policies on asylum and immigration, as developed in accordance with Title IV of the Treaty establishing the European Community***.***
(13) The participation in this instrument by a Member State should not coincide with its participation in a future temporary instrument designed to help beneficiary Member States to finance actions at new external borders of the Union for the implementation of the Schengen acquis and external border control.	(13) The participation in this instrument by a Member State should not coincide with its participation in a future temporary instrument designed to help beneficiary Member States to finance actions at new external borders of the Union for the implementation of the Schengen acquis and external border control.
	(13A) The actions supported under this Fund should be in synergy with the actions supported by the Community instruments on external assistance and take place in the framework of the external relations policy of the European Union, in particular the strategy for the external dimensions of the JHA.
(14) The support provided by the Fund ***would*** be more efficient and better targeted if co-financing of eligible actions was based on strategic multiannual ***programmes*** and on related annual work programmes drawn up by each Member State in ***cooperation*** with the Commission.	(14) The support provided by the Fund ***will*** be more efficient and better targeted if co-financing of eligible actions ***is*** based on strategic multiannual ***programming*** drawn up by each Member State in ***dialogue*** with the Commission.
(15) On the basis of the strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account its	(15) On the basis of the strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account

COMMISSION PROPOSAL	*COMPROMISE TEXT*
situation and needs and setting out its development strategy***, which is negotiated and decided by the Commission, and constitutes*** the framework for preparing the annual programmes.	its ***specific*** situation and needs and setting out its development strategy ***that should constitute*** the framework for preparing ***the implementation of the actions to be listed in*** annual programmes.
(16) Multiannual programming should be directed towards achieving the Funds' objectives by ensuring the availability of the necessary financial resources and the consistency and continuity of joint action by the Community and the Member States.	***deleted***
(17) Multiannual programming should ensure coordination of the Fund with other financial instruments.	***deleted***
(18) In accordance with the implementation methods as referred to in Article 53(1), point (b) of Council Regulation (EC, Euratom), No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[13], the conditions allowing the Commission to exercise its responsibilities for implementation of the general budget of the European Communities should be specified and the obligations for the cooperation of the Member States clarified. Applying these conditions will enable the Commission to satisfy itself that Member States are using the Fund in a lawful and correct manner and in accordance with the principle of sound financial management within the meaning of ***Article*** 27 of the Financial Regulation.	(18) In accordance with the implementation methods as referred to in Article 53(1), point (b) of Council Regulation (EC, Euratom), No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[14], the conditions allowing the Commission to exercise its responsibilities for implementation of the general budget of the European Communities should be specified and the obligations for the cooperation of the Member States clarified. Applying these conditions will enable the Commission to satisfy itself that Member States are using the Fund in a lawful and correct manner and in accordance with the principle of sound financial management within the meaning of ***Articles*** 27 ***and 48(2)*** of the Financial Regulation.
Recital 19 ***(19) The Commission should establish the indicative breakdown of available commitment appropriations using an objective and transparent method.***	***Recital 19*** ***(19) deleted***
Recital 20 ***(20) Under technical assistance, the Fund should provide support for evaluations, improvement of administrative capacity linked to the management of the Fund, studies, pilot projects and exchanges of experience intended, in particular, to encourage innovative approaches and practices***	***Recital 20*** ***(20) deleted***
(21) Member States should adopt adequate measures to guarantee the proper functioning of the management and control system. To this end, it is necessary to establish the general principles and necessary functions which all programmes shall fulfil.	(21) Member States should adopt adequate measures to guarantee the proper functioning of the management and control system ***and the quality of implementation***. To this end, it is necessary to establish the general principles and necessary functions which all programmes shall fulfil.

[13] OJ L 248, 16.9.2002, p. 1.
[14] OJ L 248, 16.9.2002, p. 1.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(22) It is necessary to provide for the designation of a single responsible authority in each Member State for the management of the Fund's interventions and to clarify its responsibilities. Designation and the functions of the audit authority should be also foreseen. In addition, in order to guarantee uniform quality standards concerning the certification of expenditures before their transmission to the Commission and to clarify the nature and quality of the information on which declarations of expenditure are based it is necessary to provide for the designation of the certification authority.	(22) ***Due to the fact that the fund could support national measures of a Member State to implement the Schengen provisions, reaching from external borders to visa policy, at different levels and locations several authorities of a Member State might be involved. Therefore Member States should be allowed to designate several certifying and audit authorities or delegated authorities as long as there is a clear allocation of functions for each of these authorities.***
(23) In accordance with the principles of subsidiarity and proportionality, Member States have the primary responsibility for the implementation and control of the interventions.	(23) In accordance with the principles of subsidiarity and proportionality, Member States have the primary responsibility for the implementation and control of the interventions.
(24) The obligations on the Member States as regards management and control systems, the certification of expenditure, and the prevention, detection and correction of irregularities and infringements of Community law should be specified to guarantee the efficient and correct implementation of their multiannual and annual programmes. In particular, as far as management and control are concerned, it is necessary to establish the modalities by which Member States ensure that the systems are in place and function satisfactorily.	(24) The obligations on the Member States as regards management and control systems, the certification of expenditure, and the prevention, detection and correction of irregularities and infringements of Community law should be specified to guarantee the efficient and correct implementation of their multiannual and annual programmes. In particular, as far as management and control are concerned, it is necessary to establish the modalities by which Member States ensure that the systems are in place and function satisfactorily.
(25) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in this field should be ***increased and the criteria should be established which allow the Commission to determine, in the context of its strategy of control of national systems, the level of assurance it can obtain from national audit bodies.***	(25) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in this field should be ***encouraged;***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(26) The effectiveness and impact of actions supported by the Fund also depend on their evaluation. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation, should be formalised.	(26) The effectiveness and impact of actions supported by the Fund also depend on their evaluation ***and the dissemination of the results***. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation ***and the quality of the related information***, should be formalised.
(27) Actions should be evaluated with a view to a mid-term review and impact assessment, and the evaluation process should be incorporated into project monitoring arrangements.	(27) Actions should be evaluated with a view to a mid-term review and impact assessment, and the evaluation process should be incorporated into project monitoring arrangements.
(28) This Decision establishes a financial framework for the entire duration of the programme, which is to be the ***principal point of*** reference for the budgetary authority within the meaning of point ***33*** of the interinstitutional agreement of ***6*** May ***1999*** between the European Parliament, the Council and the Commission on budgetary discipline and ***improvement of the budgetary procedure***.[15]	(28) This Decision establishes a financial framework for the entire duration of the programme, which is to be the ***prime*** reference for the budgetary authority within the meaning of point ***37*** of the interinstitutional agreement of ***17*** May ***2006*** between the European Parliament, the Council and the Commission on budgetary discipline and ***sound financial management***.[16]
(29) Since the objectives of this Decision, namely to support the establishment of a common integrated border management system ***and*** the management of activities organised by consular services in third countries, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of the action be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve this objective.	(29) Since the objectives of this Decision, namely to support the establishment of a common integrated border management system***, among which*** the management of activities organised by consular ***and other*** services ***of the Member States*** in third countries ***as regards the flows of third country nationals into the territory of the Member States***, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of the action be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve this objective.

15 OJ C 172, 18.6.1999, p. 1.
16 OJ C 139, 14.6.2006, p. 1.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	(30) Bearing in mind the importance of visibility of the Community funding, the Commission should provide guidance to facilitate that any authority, non-governmental organisation, international organisation or other entity receiving a grant by this Fund properly acknowledges the support received, taking into account the practice for other instruments under shared management, such as the Structural Funds.
(30) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[17]	(30***A***) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999***[18]*** ~~***, as amended by Council Decision 2006/512/EC of 17 July 2006***[19]~~ laying down the procedures for the exercise of implementing powers conferred on the Commission. ~~***The implementing measures will be subject to a management committee procedure, this provision being the more appropriate in certain cases in order to increase efficiency. Concerning the adoption of strategic guidelines, the implementing measures will be subject to a regulatory procedure with scrutiny, given that they may supplement the present Decision by the addition of nonessential elements.***~~
	(30B) In particular, it is necessary to follow the regulatory procedure with scrutiny as regards measures of general scope designed to amend non-essential elements of this Regulation, inter alia by deleting some of those elements or by supplementing this Regulation by addition of new non-essential elements; such measures are referred to in Article19(5) of this Decision. Concerning the adoption of the strategic guidelines, and for reasons of efficiency, the time-limits applicable in the regulatory procedure with scrutiny should be curtailed.
	(30C) In order to ensure a timely implementation of the Fund, certain provisions of this Decision should apply from 1 January 2007.

17 OJ L 184, 17.7.1999, p. 23.
18 OJ L 184, 17.7.1999, p. 23.Decision amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11)
19 OJ L 200, 22.7.2006, p. 11.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(31) As regards Iceland and Norway, this Decision constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, Point A and B of Council Decision 1999/437/ EC on certain arrangements for the application of the Agreement[20].	(31) As regards Iceland and Norway, this Decision constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, Point A and B of Council Decision 1999/437/ EC on certain arrangements for the application of the Agreement[21].
	(31A) An arrangement has to be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchanges of Letters between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning committees which assist the European Commission in the exercise of its executive powers[22], annexed to the abovementioned Agreement.

[20] OJ L 176, 10.7.1999, p. 31.
[21] OJ L 176, 10.7.1999, p. 31.
[22] OJ L 176, 10.7.1999, p. 53.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(32) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen acquis which fall in the area referred to in Article 1(A) of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decision 2004/860/EC on the signing, on behalf of the European Community, and on the provisional application of certain provisions of the Agreement[23].	(32) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen acquis which fall in the area referred to in Article 1(A) of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decision 2004/860/EC on the signing, on behalf of the European Community, and on the provisional application of certain provisions of the Agreement.[24]
	(32 A) An arrangement has to be made to allow representatives of Switzerland to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Switzerland, annexed to the abovementioned Agreement.
(33) In order to determine the supplementary rules necessary for the implementation of this instrument, an agreement should be concluded between the Community and the above-mentioned associated states.	(33) In order to determine the supplementary rules necessary for the implementation of this instrument, an agreement should be concluded between the Community and the above-mentioned associated states.

[23] OJ L 370, 17.12.2004. p. 78.

[24] OJ L 370, 17.12.2004. p. 78.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(34) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law or not.	(34) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law or not.
(35) This Decision constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 and the subsequent Council Decision 2004/926/EC of 22 December 2004 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis[25]. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.	(35) This Decision constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 and the subsequent Council Decision 2004/926/EC of 22 December 2004 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis[26]. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

[25] OJ L 131, 1.6.2000, p. 43.
[26] OJ L 131, 1.6.2000, p. 43.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(36) This Decision constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis[27]. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application	(36) This Decision constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis[28]. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
	(37) In accordance with the second indent of paragraph 2 of Article 67 of the Treaty, Council Decision 2004/927/EC of 22 December2004, providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedrue laid down in Article 251 of that Treaty,[29] rendered the procedure referred to in Article 251 of the Treaty applicable in the areas covered by Articles 62(1), (2)(a) and (3) and 63(2)(b) and (3)(b) of the Treaty.
	The European Economic and Social Committee has delivered an opinion[30].
	The Committee of the Regions has delivered an opinion[31].
HAVE ADOPTED THIS DECISION:	HAVE ADOPTED THIS DECISION:

[27] OJ L 64, 7.3.2002, p. 20.
[28] OJ L 64, 7.3.2002, p. 20.
[29] OJ L 396, 31.12.2004, p. 45-46.
[30] OJ C …
[31] OJ C …

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER I SUBJECT MATTER, OBJECTIVES AND ACTIONS Article 1 Subject matter and scope	CHAPTER I SUBJECT MATTER, OBJECTIVES AND ACTIONS Article 1 Subject matter and scope
This decision establishes for the period from 1 January 2007 to 31 December 2013 the ***European*** External Borders Fund, hereinafter referred to as « The Fund », as part of ***the General programme "Solidarity and Management of Migration Flows"***, in order to contribute to the strengthening of the area of Freedom, Security and Justice.	This Decision establishes for the period from 1 January 2007 to 31 December 2013 ***the External Borders Fund***, hereinafter referred to as « The Fund », as part of ***a coherent framework also including the Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013, the Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008-2013, and the Council Decision establishing the European Fund for the Integration of Third-country Nationals for the period 2007-2013***, in order to contribute to the strengthening of the area of Freedom, Security and Justice ***and the application of the principle of solidarity between the Member States.***
This decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources.	This decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources
It establishes the Fund's management rules, including financial ones, monitoring and control mechanisms based on a share of responsibilities between the Commission and the Member States.	It establishes the Fund's management rules, including financial ones, monitoring and control mechanisms based on a share of responsibilities between the Commission and the Member States.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 2 Definitions For the purpose of this Decision:	Article 2 Definitions For the purpose of this Decision:
(a) 'external borders' means the ***external borders of the*** Member ***States***, whether they are temporary or not;	(a) 'external borders' means ***the Member States'*** land ***borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports to which the provisions of Community law on crossing of external borders apply***, whether these borders are temporary or not.
(b) 'temporary borders' means - the common border between a Member State fully implementing the Schengen acquis and a Member State bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the Council Decision authorising ***them*** to fully apply that acquis has not entered into force;	(b) 'temporary ***external*** borders' means - the common border between a Member State fully implementing the Schengen acquis and a Member State bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the Council Decision authorising ***it*** to fully apply that acquis has not entered into force;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
- the common border between two Member States bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the Council Decision authorising them to fully apply that acquis has not entered into force;	- the common border between two Member States bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the Council Decision authorising them to fully apply that acquis has not entered into force;
	(c) border crossing point means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 34, second paragraph of Regulation (EC) No 562/2005 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);
(c) 'Agency' means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union as established by Council Regulation (EC) No 2007/2004;	***(d)*** 'Agency' means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union as established by Council Regulation (EC) No 2007/2004;
(d) 'common integrated border management system' means the development and implementation by the competent authorities of a Member State of a coherent approach to the allocation of human resources, equipment and technology at their disposal for the uniform and systematic application of the rules of the European Union in view of providing a high level of external border security through control and surveillance tasks. The approach shall be in accordance with the rules of the European Union and based on a systematic gathering of intelligence with respect to situations on the ground before, at and behind the external borders of a Member State, taking into account the common risk analysis, as established by the Agency	

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 3 General Objectives	Article 3 General Objectives
1. The Fund shall contribute to the following objectives:	1. The Fund shall contribute to the following objectives:
(a) ***implementation in the Member States of the common integrated border management system for the*** control and surveillance ***of*** the external borders;	(a) ***efficient organisation of*** control and surveillance ***tasks relating to*** the external borders***;***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(b) efficient management of the flows of persons at the external borders by the Member States, in order to ensure, on the one hand, a high level of protection at the external borders ***for the internal security*** and, on the other, a smooth crossing of the external borders ***by bona fide travellers*** in conformity with the Schengen acquis;	(b) efficient management of the flows of persons at the external borders by the Member States, in order to ensure, on the one hand, a high level of protection at the external borders and, on the other, a smooth crossing of the external borders in conformity with the Schengen acquis, ***including the principles of respectful treatment and dignity;***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(c) uniform application ***of the law of the European Union by the Member States and overall efficiency of national border guards in the carrying out of their tasks in accordance with the law of the European Union at the external borders***;	(c) uniform application ***by the border guards of the provisions of Community law on the crossing of external borders, in particular the Regulation (EC) No. 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)***;
(d) improvement of the management of activities organised by the consular services of the Member States in third countries and the co-operation between Member States in this regard.	(d) improvement of the management of activities organised by the consular ***and other*** services of the Member States in third countries ***as regards the flows of third country nationals into the territory of the Member States*** and the co-operation between Member States in this regard.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
2. The Fund shall contribute to the financing of the technical assistance on the initiative of the Member States or the Commission.	2. The Fund shall contribute to the financing of the technical assistance on the initiative of the Member States or the Commission.
Article 4 Specific objectives 1. As regards the objective laid down in Article 3(1), point (a) the Fund shall support the following specific objectives:	Article 4 Specific objectives 1. As regards the objective laid down in Article 3(1), point (a) the Fund shall support the following specific objectives:
(a) Implementation of the recommendations, operational standards and best practices, ***as defined by the Agency***;	(a) Implementation of the recommendations, operational standards and best practices, ***resulting from the operational cooperation between Member States in the field of border control***;
(b) Development and application of the measures necessary to improve surveillance systems between ***authorised*** border crossing points;	(b) Development and application of the measures necessary to improve surveillance systems between border crossing points;
(c) Introduction of measures or development of effective systems enabling a methodical gathering of ***intelligence*** with respect to the evolving situation on the ground before, at and behind the external borders;	(c) Introduction of measures or development of effective systems enabling a methodical gathering of ***relevant information*** with respect to the evolving situation on the ground before, at and behind the external borders;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(d) Ensuring adequate registration of the number of persons crossing at all types of external borders (land, air, sea);	(d) Ensuring adequate registration of the number of persons crossing at all types of external borders (land, air, sea);
(e) Introduction or upgrading of a ***reliable and high quality*** system of collection of statistical and administrative data with respect to the categories of travellers, the number and nature of checks and surveillance measures at the different types of external borders, based on registration and other sources for data collection;	(e) Introduction or upgrading of a system of collection of statistical and administrative data with respect to the categories of travellers, the number and nature of checks and surveillance measures at the different types of external borders, based on registration and other sources for data collection;
(f) Setting up of an effective, structural, strategic and operational coordination between all ***the national*** authorities operating at border crossing points;	(f) Setting up of an effective, structural, strategic and operational coordination between all authorities operating at border crossing points;
(g) Improvement of the capacity and the qualifications of ***national*** border guards in executing their surveillance and control tasks;	(g) Improvement of the capacity and the qualifications of border guards in executing their surveillance, ***advisory*** and control tasks;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(h) Improvement of the information exchange at national level between authorities responsible for external borders management and ***other relevant, competent*** authorities;	(h) Improvement of the information exchange at national level between authorities responsible for external borders management and ***between these*** authorities ***and other authorities responsible for migration, asylum and other related matters;***
(i) Promotion of the quality management standards ***for each activity executed at the external borders***	(i) Promotion of quality management standards
2. As regards the objective laid down in Article 3(1), point (b) the Fund shall support the following specific objectives:	2. As regards the objective laid down in Article 3(1), point (b) the Fund shall support the following specific objectives:
(a) Except for temporary borders***, setting up of the systematic controls of persons on entry and exit at border crossing points, in particular through new working methods, logistical measures and state of the art technology***;	(a) Except for temporary external borders***, developing new working methods, logistical measures and state of the art technology to strengthen systematic controls of persons on entry and exit at border crossing points***;
(b) Promotion of the use of technology and specialised training for the staff responsible for its effective exploitation;	(b) Promotion of the use of technology and specialised training for the staff responsible for its effective exploitation;
(c) Promotion of the exchange of information and improvement of training on forged travel documents, including the development of common tools and practices for detection of such documents;	(c) Promotion of the exchange of information and improvement of training on forged travel documents, including the development ***and distribution*** of common tools and practices for detection of such documents;
(d) Promotion of efficient, real time consultation of data at border crossing points through the use of large scale IT systems, such as SIS and VIS, and an effective exchange of information between all the border crossing points along the external borders in real time;	(d) Promotion of efficient, real time consultation of data at border crossing points through the use of large scale IT systems, such as SIS and VIS, and an effective exchange of information between all the border crossing points along the external borders in real time;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(e) Ensuring the ***rapid and smart*** implementation at operational and technical level of the results of the risk analyses ***produced by the Agency***.	(e) Ensuring ***the optimal*** implementation at operational and technical level of the results of the risk analyses.
3. As regards the objective laid down in Article 3(1), point (c) the Fund shall support the following specific objectives:	3. As regards the objective laid down in Article 3(1), point (c) the Fund shall support the following specific objectives:
(a) Gradual establishment in each Member State of the uniform education, training and qualifications of the border guards, particularly by implementing the common core curriculum for training as developed by the Agency and by supplementing in a coherent way the activities of the Agency in this field;	(a) Gradual establishment in each Member State of the uniform education, training and qualifications of the border guards, particularly by implementing the common core curriculum for training as developed by the Agency and by supplementing in a coherent way the activities of the Agency in this field;
(b) Support and increase of the exchange and secondment of border guards between Member States, ***in accordance with*** the guidelines and activities of the Agency in this area;	(b) Support and increase of the exchange and secondment of border guards between Member States, ***complementary to*** the guidelines and activities of the Agency in this area;
(c) Promotion of the use of ***similar or equivalent*** state of art technology along the external borders, whenever this is indispensable for the correct, effective or uniform use of the rules;	(c) Promotion of the use of ***compatible*** state of art technology along the external borders, whenever this is indispensable for the correct, effective or uniform use of the rules;
(d) Promotion of the capacity of ***national*** authorities to apply the same procedures and to take ***uniform,*** rapid and high quality decisions on visa ***issues as well as on the right to enter***;	(d) Promotion of the capacity of authorities to apply the same procedures and to take ***consistent***, rapid and high quality decisions ***on the crossing of external borders including the issuance of*** visa;
	(da) Promotion of the use of the common Practical Handbook for Border Guards;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(e) ***Enhancing the detention areas in airports and sea ports and improving the conditions in these areas;***	(e) ***Building and upgrading of areas and centres for persons, whose entry is refused and for persons who are intercepted after having crossed the border illegally or when approaching the external borders with a view to illegal entry into the territory of the Member States;***
(f) Upgrading of the security at the premises of border crossing points to secure safety of border guards and the protection of equipment, surveillance systems and means of transport.	(f) Upgrading of the security at the premises of border crossing points to secure safety of border guards and the protection of equipment, surveillance systems and means of transport.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
4. As regards the objective laid down in Article 3(1), point (d) the Fund shall support the following specific objectives:	4. As regards the objective laid down in Article 3(1), point (d) the Fund shall support the following specific objectives:
(a) Reinforcement of the operational capacity of the network of the immigration liaison officers and promotion of a more effective co-operation through the network between the Member States' services	(a) Reinforcement of the operational capacity of the network of the immigration liaison officers and promotion of a more effective co-operation through the network between the Member States' services;
(b) Introduction of ***measures with respect to flights likely to result in illegal arrivals at the external borders of the Member States***;	(b) Introduction of measures ***aimed at assisting Member States and carriers in carrying out the obligations imposed on them by virtue of Directive 2004/82/EC and the provisions of Art. 26 of the 1990 Schengen Convention implementing the Schengen Agreement) in order to prevent illegal arrivals at the external borders***;
(c) Promotion of a more effective cooperation with carriers in the airports of the countries of departure, including a uniform training of the carriers' staff on the travel documents;	(c) Promotion of a more effective cooperation with carriers in the airports of the countries of departure, including a uniform training of the carriers' staff on the travel documents;
	(ca) ***Promotion of quality-management, good services and facilities in terms of infrastructure in the visa-application-process;***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(d) Promotion of co-operation between Member States in enhancing the capacity of consular services to ***investigate*** visa applications;	(d) Promotion of co-operation between Member States in enhancing the capacity of consular services to ***examine*** visa applications;
(f) Promotion of progress towards a systematic and regular cooperation between the consular and other services of different Member States, including pooling of resources and means for visa issuance, exchange of information, surveys and investigations concerning visa applications and the development of a common visa application ***centre***;	(f) Promotion of progress towards a systematic and regular cooperation between the consular and other services of different Member States, ***in particular in connection with the VIS***, including pooling of resources and means for visa issuance, exchange of information, surveys and investigations concerning visa applications and the development of common visa application ***centres***;
(g) Promotion of national initiatives aiming at common investigative practices, uniform administrative procedures and decision making on visa issuing by the consular services of different Member States;	(g) Promotion of national initiatives aiming at common investigative practices, uniform administrative procedures and decision making on visa issuing by the consular services of different Member States;
(h) Development of common consular offices ***according to the policy evolution in this field***.	(h) Development of common consular offices.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 5 Eligible actions in the Member States	Article 5 Eligible actions in the Member States
1. The Fund shall support actions in the Member States relating to the objectives defined in Article 4 (1) to (4) and in particular the following:	1. The Fund shall support actions in the Member States relating to the objectives defined in Article 4 (1) to (4) and in particular the following
(a) Border crossing infrastructures and related buildings, such as border stations, helicopter landing places or lanes or booths for the queuing of vehicles ***and*** persons at border crossing points;	(a) Border crossing infrastructures and related buildings, such as border stations, helicopter landing places or lanes or booths for the queuing of vehicles ***or*** persons at border crossing points;
(b) Infrastructures and buildings required for surveillance between border crossing points;	(b) Infrastructures, buildings ***and systems*** required for surveillance between border crossing points ***and protection against illegal crossing of the external border***;
(c) Operating equipment, such as ***laboratory equipment,*** document examination instruments, detection tools, mobile or fixed terminals for consulting SIS and national systems***, terminals for reception of satellite signals and other signals***;	(c) Operating equipment, such as ***sensors***, ***video-surveillance***, document examination instruments, detection tools and mobile or fixed terminals for consulting the SIS***, VIS, FADO and other European*** and national systems;
(d) Means of transport for the ***surveillance*** of external borders, such as vehicles, vessels, helicopters, and light aircrafts, specially equipped with electronic equipment for the surveillance of the border and the detection of persons in ***trucks***;	(d) Means of transport for the ***control*** of external borders, such as vehicles, vessels, helicopters, and light aircrafts, specially equipped with electronic equipment for the surveillance of the border and the detection of persons in ***means of transport***;
(e) Equipment for real time exchange of information between relevant authorities;	(e) Equipment for real time exchange of information between relevant authorities;
(f) ICT systems;	(f) ICT systems;
(g) Programmes for the detachment and exchange ***between Member States*** of staff such as border guards, immigration officers and consular officers;	(g) Programmes for the detachment and exchange of staff such as border guards, immigration officers and consular officers;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(h) Training and education of staff in relevant authorities;	(h) Training and education of staff in relevant authorities***, including language training***;
(i) Investments in the development, testing and instalment of state of the art technology;	(i) Investments in the development, testing and instalment of state of the art technology;
(j) Studies and pilot projects implementing recommendations, operational standards and best practices, ***as defined by the Agency***;	(j) Studies and pilot projects implementing recommendations, operational standards and best practices, ***resulting from the operational cooperation between Member States in the field of border control***;
(k) Studies and pilot projects designed to stimulate innovation, facilitate exchanges of experience and good practice and improve the quality of the management of activities organised by the consular services of the Member States in third countries.	(k) Studies and pilot projects designed to stimulate innovation, facilitate exchanges of experience and good practice and improve the quality of the management of activities organised by the consular ***and other*** services of the Member States in third countries ***as regards the flows of third country nationals into the territory of the Member States and the co-operation between Member States in this regard***.
2. The Fund shall not support actions with respect to temporary borders when such actions amount to a structural investment, incompatible with the objective of the lifting of controls on persons at these borders, in particular as mentioned in point a) and b) of paragraph 1.	2. The Fund shall not support actions with respect to temporary external borders when such actions amount to a structural investment, incompatible with the objective of the lifting of controls on persons at these borders, in particular as mentioned in point a) and b) of paragraph 1.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 6 The Kaliningrad Transit Scheme	Article 6 The Kaliningrad Transit Scheme
1. The Fund shall support foregone fees from transit visas and additional costs incurred in implementing the FTD and FRTD scheme in accordance with Council Regulation (EC) No 693/2003[32] and Council Regulation (EC) No 694/2003[33].	1. The Fund shall support foregone fees from transit visas and additional costs incurred in implementing the FTD and FRTD scheme in accordance with Council Regulation (EC) No 693/2003[34] and Council Regulation (EC) No 694/2003[35].
2. For the purpose of paragraph 1, additional costs means cost which result directly from the specific requirements of implementing the operation of a special transit scheme and which are generated as a result of issuing of transit or other visas. The following types of additional cost shall be eligible for financing:	2. For the purpose of paragraph 1, additional costs means costs which result directly from the specific requirements of implementing the operation of the special transit scheme and which are not generated as a result of issuing of transit or other visas. The following types of additional cost shall be eligible for financing:
(a) Investment in infrastructures	(a) Investment in infrastructures
(b) Training of ***border guards and rail*** staff	(b) Training of staff ***implementing the special transit scheme***
(c) Additional operational cost, including the salaries for the staff specifically implementing the operation of a special transit scheme.	(c) Additional operational cost, including the salaries for the staff specifically implementing the operation of the special transit scheme

[32] OJ L 99, 17.4.2003, p. 8.
[33] OJ L 99, 17.4.2003, p. 15.
[34] OJ L 99, 17.4.2003, p. 8.
[35] OJ L 99, 17.4.2003, p. 15.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. The foregone fees provided for in paragraph 1 shall be calculated on the basis of the level of fees for transit visas established in Annex 12 to the Common Consular Instructions on visas.	3. The foregone fees provided for in paragraph 1 shall be calculated on the basis of the level of fees for transit visas established in Annex 12 to the Common Consular Instructions on visas***, within the financial framework set out in Article 15 (9)***.
Article 7 Actions of interest to the Community	Article 7 Actions of interest to the Community
1. At the Commission's initiative, up to ***2%*** of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole ('Community actions') concerning the ***general objective of***	1. At the Commission's initiative, up to ***6%*** of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole ('Community actions') concerning the ***following objectives;***
contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the co-operation between Member States in this regard and the objective of promoting the progressive inclusion of the customs, veterinary and phyto-sanitary controls in integrated border management activities according to the policy evolution in this field.	***a)*** contributing to enhancement of the activities organised by the consular ***and other*** services of the Member States in third countries ***as regards the flow of third country nationals into the territory of the Member States*** and the co-operation between Member States in this regard***, including the activities of ALO's and ILO's*** and the objective of promoting the progressive inclusion of the customs, veterinary and phyto-sanitary controls in integrated border management activities according to the policy evolution in this field.
	b) provide supporting services to Member States in case of duly substantiated emergency situations requiring urgent action at the external borders of the Member States.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
2. To be eligible for funding, Community actions shall in particular:	2. To be eligible for funding, Community actions ***listed under paragraph1(a)*** shall in particular:
(a) Further Community cooperation in implementing Community law and good practices;	(a) Further Community cooperation in implementing Community law and good practices;
(b) Support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between consular services located in two or more Member States designed to stimulate innovation and facilitate exchange of experience and good practice;	(b) Support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between consular services located in two or more Member States designed to stimulate innovation and facilitate exchange of experience and good practice;
(c) Support studies, dissemination and exchange of information, ***including on the use of state of art technology,*** on best practices and all other aspects of the general objective of contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the co-operation between Member States thereof;	(c) Support studies, dissemination and exchange of information, on best practices and all other aspects of the general objective of contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the co-operation between Member States thereof***, including on the use of state of the art technology***;
(d) Support projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area;	(d) Support projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area***, in particular common application centres***;
(e) Support the development of statistical tools, methods and common indicators**.**	(e) Support the development ***and application by Member States*** of ***common*** statistical tools, methods and indicators ***for measuring policy developments in the field of visa policy and consular cooperation;***
3. The annual work programme laying down the priorities for Community actions shall be adopted in accordance with the procedure referred to in Article 52(2).	3. The annual work programme laying down the priorities for Community actions shall be adopted in accordance with the procedure referred to in Article 52(2).

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER II PRINCIPLES OF ASSISTANCE Article 8 Complementarity, consistency and compliance	CHAPTER II PRINCIPLES OF ASSISTANCE Article 8 Complementarity, consistency and compliance
1. The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.	1. The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.
2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. This consistency shall be indicated in particular in the multiannual programme referred to in Article 20.	2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. This consistency shall be indicated in particular in the multiannual programme referred to in Article 20.
3. Operations financed by the Fund shall comply with the provisions of the Treaty and of acts adopted under them.	3. Operations financed by the Fund shall comply with the provisions of the Treaty and of acts adopted under them.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 9 Programming	Article 9 Programming
1. The objectives of the Fund shall be pursued in the framework of ***two*** multiannual programming ***periods*** (2007-***2010 and 2011-***2013). The multiannual programming system shall include the priorities and a process of management, decision making, auditing and certification	1. The objectives of the Fund shall be pursued in the framework of ***a*** multiannual programming ***period*** (2007-2013)***, subject to a mid-term review in accordance with Article 22A***. The multiannual programming system shall include the priorities and a process of management, decision making, auditing and certification.
2. The multiannual programmes ***adopted*** by the Commission shall be implemented by means of annual programmes.	2. The multiannual programmes ***approved*** by the Commission shall be implemented by means of annual programmes.
Article 10 Subsidiary and proportional intervention	Article 10 Subsidiary and proportional intervention
1. Implementation of multiannual and annual programmes referred to in Articles 20 and 22 shall be the responsibility of Member States at the appropriate territorial level, in accordance with the institutional system specific to each Member State. This responsibility shall be exercised in accordance with this Decision.	1. Implementation of multiannual and annual programmes referred to in Articles 20 and 22 shall be the responsibility of Member States at the appropriate territorial level, in accordance with the institutional system specific to each Member State. This responsibility shall be exercised in accordance with this Decision.
2. The means employed by the Commission and the Member States shall vary according to the size of the Community contribution in relation to audit provisions. Differentiation shall also apply to provisions on evaluation and to the reports on multiannual and annual programmes.	2. The means employed by the Commission and the Member States shall vary according to the size of the Community contribution in relation to audit provisions. Differentiation shall also apply to provisions on evaluation and to the reports on multiannual and annual programmes.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 11 Implementation methods	Article 11 Implementation methods
1. The Community budget allocated to the Fund shall be implemented, in accordance with Article 53, paragraph 1, point (b) of Council Regulation (EC, Euratom) No 1605/2002[36], with the exception of the Community Actions referred to in Article 7 and the technical assistance referred to in Article 17. ***The Member States and the Commission shall ensure compliance with the principle of sound financial management.***	1. The Community budget allocated to the Fund shall be implemented, in accordance with Article 53, paragraph 1, point (b) of Council Regulation (EC, Euratom) No 1605/2002[37], with the exception of the Community Actions referred to in Article 7 and the technical assistance referred to in Article 17.
2. The Commission exercises its responsibility for implementing the general budget of the European Communities by:	2. The Commission exercises its responsibility for implementing the general budget of the European Communities by:
(a) checking the existence and proper functioning of management and control systems in the Member States in accordance with the procedures described in Article 32;	(a) checking the existence and proper functioning of management and control systems in the Member States in accordance with the procedures described in Article 32;
(b) interrupting or suspending all or part of payments in accordance with Articles 41 and 42 if the national management and control systems fail, and by applying any other financial correction required, in accordance with the procedures described in Articles 45 and 46.	(b) interrupting or suspending all or part of payments in accordance with Articles 41 and 42 if the national management and control systems fail, and by applying any other financial correction required, in accordance with the procedures described in Articles 45 and 46.

[36] OJ L 248, 16.9.2002, p. 1.
[37] OJ L 248, 16.9.2002, p. 1.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Fund in accordance with the provisions of this decision.	3. Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Fund in accordance with the provisions of this decision.
4. Arrangements shall be concluded which shall specify supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the power of audit of the Court of Auditors.	4. Arrangements shall be concluded which shall specify supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the power of audit of the Court of Auditors[38].
Article 12 Additionality	Article 12 Additionality
1. Contributions from the Fund shall not replace public or equivalent expenditure by a Member State.	***deleted***
2. The Commission shall, in cooperation with each Member State, verify additionality mid-term by 31 December 2012 and ex-post by 31 December 2015.	***deleted***
Article 13 Partnership	Article 13 Partnership
1. Each Member State shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which ***it designates, namely:***	1. Each Member shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which ***are involved in the implementation of the multiannual programme or able to provide a useful contribution to its development according to the Member State concerned***.

[38] ***DELETED*** raised the need to have a special agreement on their participation.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(a) the competent regional, local, urban and other public authorities***;***	***Such authorities and bodies may include*** the competent regional, local, urban and other public authorities***,***
(b) any other appropriate body representing civil society***,*** non-governmental organisations***, including the*** social partners.	***international organisations and bodies, in particular UNHCR,*** representing civil society ***such as*** non-governmental organisations ***or*** social partners.
2. Each Member State shall ensure broad and effective involvement of all the appropriate bodies, in accordance with national rules and practices.	***deleted***
3. The partnership shall be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner category.	***2.*** The partnership shall be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner category.
4. The partnership shall cover preparation, implementation, monitoring and evaluation of the multiannual programmes.	***deleted***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER III FINANCIAL FRAMEWORK Article 14 Global resources	CHAPTER III FINANCIAL FRAMEWORK Article 14 Global resources
1. The financial ***reference amount*** for the implementation of the Fund from 1 January 2007 to 31 December 2013 shall be EUR 1.820 million.	1. The financial ***envelop*** for the implementation of the Fund from 1 January 2007 to 31 December 2013 shall be EUR ***[***1.820 million***].***
2. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the financial ***framework.***	2. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the financial ***framework.***
3. The Commission shall make indicative annual breakdowns by Member States in accordance with the criteria established in Article 15.	3. The Commission shall make indicative annual breakdowns by Member States in accordance with the criteria established in Article 15.
Article 15 Annual distribution of resources for eligible actions in the ***Member State***	Article 15 Annual distribution of resources for eligible actions in the ***Member States***
1. The available annual resources shall be broken down between the Member States as follows:	***deleted***
(a) ***40% in proportion to objective factors defining the starting position of Member States as regards border management and the management of visa policy at consular offices over the last year; and***	a) ***30 % to the external land border*** [39]
	b) 35 % to the external maritime border
	c) 20 % to airports
	d) 15 % to consular offices

[39] ***DELETED*** entered a reservation. They prefer a higher percentage for the land borders similar to that of the maritime borders.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(b) 60% in proportion to the total number of persons affected and decisions taken by Member States applying the law of the European Union as regards border management and the management of visa policy at consular offices over the last year.	***deleted***
2. The component under paragraph 1 (a) shall take into account the following factors: the length of the external land borders, the length of the external maritime borders, the number of authorized border crossing points and the number of consular offices.	***2. The resources available under paragraph 1(a) shall be broken down between Member States as follows:***
	a) 70 % for the length of the border which will be calculated, on the basis of the weighting factors, for each specific section determined in accordance with Article 15A (3 a) and
	b) 30 %[40] for the workload at their external land borders, as determined in accordance with paragraph 8(a).
3. These factors should be weighed inter alia according to	***3. The resources available under paragraph 1(b) shall be broken down between Member States as follows:***
	a) 70 % for the length of the border which will be calculated, on the basis of the weighting factors, for each specific section determined in accordance with article 15A (3 b) and
	b) 30 % for the workload at their external maritime borders, as determined in accordance with paragraph 8(a).

[40] ***DELETED*** entered a reservation. These delegations prefer to give a higher percentage to workload as they feel this criterion would better reflect the migratory pressure.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
the nature of the external borders and the concomitant degree of difficulty to carry out surveillance;	***deleted***
the size of the passenger flows at authorized border crossing points, affecting the ability to ensure an efficient management of flows;	***deleted***
the number of visa applications at consular offices;	***deleted***
the level of risk and threats encountered at external borders, taking into account the risk analyses carried out by the Agency on the basis of a common integrated risk analysis model;	***deleted***
the specific situation of particular areas facing a high level of illegal immigration pressure	***deleted***
4. With respect to the length of the external land borders as referred to in paragraph 2, the calculation shall not take into account temporary borders, except for the temporary borders of the Member States fully implementing the Schengen acquis. However, for these temporary borders a 65% weighting shall be applied in relation to the other external land borders.	***4. The resources available under paragraph 1(c) shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 8(b).***
5. The component under paragraph 1(b) shall take into account the following factors: the number of persons crossing authorised border crossing points, the number of third country nationals refused entry at the external borders, the number of apprehended people and the number of visa applications.	***5. The resources available under paragraph 1(d) shall be broken down between Member States as follows:***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	a) 50 % for the number of consular offices of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement; and
	b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001, as determined in accordance with paragraph 8(c). [41]
6. The reference figures for passenger flows and the number of third country nationals refused entry at the border by Member States are the latest statistics produced by the Statistical Office of the European Communities in accordance with Community law.	***6. For the purpose of annual distribution of resources as regards paragraph 1(a) and (b) of this Article shall be taken into account, even though it does not constitute an external land border, the line between the areas referred to in Article 1 of Council Regulation 866/2004, for as long as the provisions of Article 1 of Protocol 10 of the Act of Accession 2003 are applicable, but not the length of the maritime border north of that line.***
7. Where the statistics referred to in paragraph 6 are not available, Member States shall provide the necessary figures.	***7. "External maritime borders" shall mean the outer limit of the territorial sea of the Member States as defined according to Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent irregular migration/illegal entry, this shall be the outer limit of high threat areas. This shall be determined by taking account the operational data over the past two years as provided by the Member States in question. This definition of "external maritime borders" is used exclusively for the purpose of the present Regulation and all operations shall respect international law.***

[41] ***DELETED*** entered a reservation, linked to its reservation under Art. 15 (1) and (2). ***DELETED*** preferred giving 60% to the workload.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
8. A weighting of the constant factors shall be adopted in accordance with the procedure referred to in Article 52(2).	***8. The workload shall be based on average figures over the previous two years for the following factors:***
	a) at external land borders and external maritime borders: ***- the number of persons crossing the external borders at authorized border crossing points;*** ***- the number of third country nationals refused entry at that external border;*** ***- the number of third country nationals apprehended after having crossed the border illegally, including the numbers of persons apprehended at sea;***
	b) at airports ***- the number of persons crossing the external borders at authorized border crossing points;*** ***- the number of third country nationals refused entry at that external border;***
	c) at the consular offices ***- the number of visa applications.*** ***For 2007, the workload shall be based on the 2005 figures only.***
9. The allocation of resources referred to in paragraph 1 shall not include the resources allocated for the purpose of Article 6. These resources shall not exceed 15 million EUR and shall not exceed 75% of the total cost referred to under Article 6(1).	***9. The weighting as referred to in paragraphs 2 and 3 will be determined by the Agency in accordance with Article 15A.***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	10. With respect to the length of the external land borders as referred to in paragraph 2(a), the calculation of the annual distribution of resources shall not take into account the temporary external borders. However, it shall take into account the temporary external borders of a Member State which acceded into the EU no later than 1 May 2004 with a Member State which acceded after 1 May 2004.
	11. The reference figures on the work load referred to in paragraph 8 shall be the latest statistics produced by the Statistical Office of the European Communities on the basis of data provided by Member States in accordance with Community law. ***Where Member States have not supplied to the Commission (Eurostat) the statistics concerned, they shall provide provisional data as soon as possible.*** ***Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	12. Where the reference figures are not available as statistics produced by the Statistical Office of the European Communities in accordance with Community law, Member States shall provide provisional data to the Commission no later than 1 November of each year for the estimate of the amount to be allocated to them for the following year in accordance with Article 22(2). ***Before the Commission accepts these data as reference figures, the Commission (Eurostat)*** may ***evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures . At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.***
	13. The allocation of resources referred to in paragraph 1 shall not include the resources allocated for the purpose of Articles 6 and Article 18A. The resources allocated for the purpose of Article 6 shall not exceed 108 million for the period 2007 – 2013.
	Article 15A ***Risk Analysis carried out by the Agency for the purpose of the annual distribution of resources*** ***1. For the determination of the weighting as referred to in Article 15(8), the Agency shall provide the Commission, no later than on 1 April of each year, with a specific report describing the difficulty to carry out border surveillance and the situation at the external borders of the Member States paying special attention to the particular proximity of the Member States to high risk areas of illegal immigration for the previous year taking also into account the number of persons having entered these Member States irregularly and the size of these Member States.***
	2. The report shall, in accordance with the Common Integrated Risk Analysis Model as referred to in Article 4 of the Council Regulation (EC) No 2007/2004 of 26 October 2004, analyze the threats having affected security at external borders of the Member States in the previous year, taking into account the political, economical and social developments in the third countries, in particular in the neighbouring third countries and shall set out possible future trends on migratory flows and unlawful activities at the external borders. ***This analysis shall mainly be based on the following information gathered by the Agency, provided by Member States or obtained from the Commission (Eurostat),***
	a) the number of third country nationals refused entry at the external border;
	b) the number of third country nationals apprehended when crossing or attempting to cross the external border illegally;
	c) the number of facilitators intercepted who have intentionally assisted the unauthorized entry of third

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	country nationals;
	d) the number of forged or false travel documents and the number of travel documents and visas issued on false grounds which have been noticed at the border crossing points in accordance with the Schengen Borders Code. ***Where the reference figures have not been provided as statistics produced by the Statistical Office of the European Communities but by Member States, the Agency may request to these Member States the necessary information to evaluate the quality, comparability and completeness of the statistical information. The agency may request the help of the Commission (Eurostat) for such evaluation.***
	3. The report shall finally, in accordance with paragraphs 1 and 2, identify the current levels of threat at the external borders of each of the Member States and determine the following specific weighting-factors for each section of the external border of that particular Member State:
	a) external land border: ***1) factor 1 for normal threat*** ***2) factor 1,5 for medium threat*** ***3) factor 3 for high threat***
	b) external maritime border ***1) factor 0 for minimum threat***[42] ***2) factor 1 for normal threat*** ***3) factor 3 for medium threat*** ***4) factor 8 for high threat***
Article 16 Financing structure	Article 16 Financing structure
1. The Fund's financial contribution shall take the form of grants.	1. The Fund's financial contribution shall take the form of grants.
2. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Communities	2. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Communities.
3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.	3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.
4. The Community contribution to supported projects, as regards actions implemented in the Member States under Article 4 shall not exceed 50% of the total cost of a specific action.	4. The Community contribution to supported projects, as regards actions implemented in the Member States under Article 4 shall not exceed 50% of the total cost of a specific action.

[42] ***DELETED*** entered a reservation.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
This may be increased to ***60%*** for projects addressing specific priorities identified in the ***Commission multiannual*** guidelines as defined in Article ***18***.	This may be increased to ***75%*** for projects addressing specific priorities identified in the ***strategic*** guidelines as defined in Article ***19.***
This shall be increased to 75% in the Member States covered by the Cohesion Fund.	This shall be increased to 75% in the Member States covered by the Cohesion Fund.
	5. ***In the framework of the implementation of national programming as set out in Chapter IV, Member States shall select projects for financing on the basis of the following minimum criteria:***
	(a) the situation and requirements in the Member State;
	(b) the cost-effectiveness of the expenditure, inter alia in view of the number of persons concerned by the project;
	(c) the experience, expertise, reliability and financial contribution of the organisation applying for funding and any partner organisation;
	(d) the extent to which the projects complement other action funded by the general budget of the European Union or as part of national programmes.
5. As a general rule, Community financial aid granted for actions supported by the Fund shall be given for a period of no more than three years, subject to periodic progress reports.	***6.*** As a general rule, Community financial aid granted for actions supported by the Fund shall be given for a period of no more than three years, subject to periodic progress reports.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 17 Technical assistance at the initiative of the Commission	Article 17 Technical assistance at the initiative of the Commission
1. At the initiative of and/or on behalf of the Commission, the Fund may finance the preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision***, within the limits of 0,20% of the Fund's annual allocation***.	1. At the initiative of and/or on behalf of the Commission***, subject to a ceiling of EUR 500.000 of the Fund's annual allocation***, the Fund may finance the preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.
2. Those actions shall include:	2. Those actions shall include:
(a) studies, evaluations, expert reports and statistics, including those of a general nature concerning the operation of the Fund;	(a) studies, evaluations, expert reports and statistics, including those of a general nature concerning the operation of the Fund;
(b) measures ***aimed at the partners,*** the beneficiaries ***of assistance from the Fund*** and the general public***, in particular information measures***;	(b) ***information*** measures ***for the Member States***, the ***final*** beneficiaries and the general public, ***including awareness raising campaigns and a common database on the projects financed under the Fund***;
(c) the installation, operation and interconnection of computerised systems for management, monitoring, inspection and evaluation;	(c) the installation, operation and interconnection of computerised systems for management, monitoring, inspection and evaluation;
	(d) ***the design of a common framework for evaluation and monitoring as well as a systems of indicators, taking into account, where appropriate, national indicators;***
(d) improvements in evaluation methods and the exchange of information on practices in this field.	***(e)*** improvements of evaluation methods and the exchange of information on practices in this field.
	(f) information and training measures for the authorities designated by Member States in accordance with Chapter V, complementary to the efforts of the Member States to provide guidance to their authorities in accordance with Article 31, paragraph 2.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 18 Technical assistance of the Member states	Article 18 Technical assistance of the Member states
1. At the initiative of the Member State in question, for each annual programme, the Fund may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.	1. At the initiative of the Member State in question, for each annual programme, the Fund may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.
2. The annual amount set aside for technical assistance may not exceed	2. The annual amount set aside for technical assistance may not exceed:
	(a) 7% of the total annual amount of co-financing allocated to the Member State plus EUR 30.000 for 2007-2010 and
4 % of the total annual amount of co-financing allocated to the Member State, plus EUR 30 000.	***(b)*** 4% of the total annual amount of co-financing allocated to the Member State plus EUR 30. 000 ***for 2011-2013***.
	Article 18 A ***Specific actions***
	1. The Commission shall establish each year a list of specific actions to be implemented by the Member States and, where appropriate, in cooperation with the Agency, which contribute to the development of the common integrated border management system by addressing [...] weaknesses at strategic border points identified in the risk analyses […] according to Article 15A.
	2. The annual work programme referred to in Article 7, paragraph 3, shall set out a framework for the financing of these actions, including objectives and evaluation criteria.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	3. The list of selected actions shall be adopted according to the procedure referred to in Article 52(2).
	4. Financial assistance from the Fund for specific actions shall be limited to a period of six months and shall not exceed 80% of the cost of each action.
	5. ***The available annual resources for these actions shall not exceed 10 million each year. The resources remaining available after the selection referred to in paragraph 3 may be used to finance actions as defined in Article 7****.*

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPITRE IV PROGRAMMING Article 19 Adoption of strategic guidelines	CHAPITRE IV PROGRAMMING Article 19 Adoption of strategic guidelines
1. ***For each multiannual programming period, the*** Commission shall adopt strategic guidelines setting out a framework for the intervention of the Fund, taking into account the progress in development and implementation of Community legislation in the area of external borders and visa policy as well as the indicative distribution of the financial resources of the Fund for the period concerned.	1. ***The*** Commission shall adopt strategic guidelines setting out a framework for the intervention of the Fund, taking into account the progress in development and implementation of Community legislation in the area of external borders and visa policy as well as the indicative distribution of the financial resources of the Fund for the period concerned.
2. For the general objectives referred to in Article 3, paragraph 1, point a) to c) of this Decision, those guidelines shall in particular give effect to the priorities of the Community with a view to the further gradual establishment of the common integrated border management system for external borders and the strengthening of controls at and surveillance of the external borders of the Union;	2. For the general objectives referred to in Article 3, paragraph 1, point a) to c) of this Decision, those guidelines shall in particular give effect to the priorities of the Community with a view to the further gradual establishment of the common integrated border management system for external borders and the strengthening of controls at and surveillance of the external borders of the Union;
3. For the general objective referred to in Article 3, paragraph 1, point d) of this Decision, those guidelines shall in particular give effect to the priorities of the Community with a view to the further development of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration through the enhancement of handling practices at local consular missions.	3. For the general objective referred to in Article 3, paragraph 1, point d) of this Decision, those guidelines shall in particular give effect to the priorities of the Community with a view to the further development of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration through the enhancement of handling practices at local consular missions.
4. The Commission shall adopt the strategic guidelines relating to the ***first*** multiannual ***programme (2007-2010)*** at the latest ***on*** 31 ***March 2006, and those relating to the second multiannual programming period (2011-2013) at the latest on 31 March 2010***.	4. The Commission shall adopt the strategic guidelines relating to the multiannual ***programming period*** on 31 ***~~January~~May 2007]***at the latest.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
5. The strategic guidelines shall be adopted in accordance with the procedure referred to in Article 52(2).	5. The strategic guidelines shall be adopted in accordance with the ***regulatory*** procedure ***with scrutiny*** referred to in Article 52(***3***) . ***These strategic guidelines, once they are adopted, shall be added to the present Decision as an Annex.***
Article 20 Preparation and approval of national multiannual programmes	Article 20 Preparation and approval of national multiannual programmes
1. Each Member State shall ***for each programming period,*** on the basis of the strategic guidelines referred to in Article 19 ***propose*** a draft multiannual programme which shall ***include*** the following elements:	1. Each Member State shall ***propose***, on the basis of the strategic guidelines referred to in Article 19***,*** a draft multiannual programme which shall ***consist of*** the following elements:
(a) a description of the current situation in the Member State as regards the infrastructure, equipments, means of transport, ICT systems and arrangements for the training and education of staff at the service of respectively the border authorities and consular authorities;	(a) a description of the current situation in the Member State as regards the infrastructure, equipments, means of transport, ICT systems and arrangements for the training and education of staff at the service of respectively the border authorities and consular authorities;
(b) an analysis of requirements in the Member State in question as regards infrastructure, equipments, means of transport, ICT systems and arrangements for the training and education of staff at the service of respectively the border authorities and consular authorities and an indication of operational objectives designed to meet these requirements during the period covered by the multiannual programme;	(b) an analysis of requirements in the Member State in question as regards infrastructure, equipments, means of transport, ICT systems and arrangements for the training and education of staff at the service of respectively the border authorities and consular authorities and an indication of operational objectives designed to meet these requirements during the period covered by the multiannual programme;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(c) a presentation of an appropriate strategy to achieve these objectives and the priority attached to their attainment, and a description of the actions envisaged to implement these priorities;	(c) a presentation of an appropriate strategy to achieve these objectives and the priorities attached to their attainment, and a description of the actions envisaged to implement these priorities;
(d) an indication of whether this strategy is compatible with other regional, national and Community instruments;	(d) an indication of whether this strategy is compatible with other regional, national and Community instruments;
(e) information on the priorities and their specific targets. Those targets shall be quantified using a limited number of indicators ***for implementation, results and impact,*** taking into account the proportionality principle. The indicators must make it possible to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities;	(e) information on the priorities and their specific targets. Those targets shall be quantified using a limited number of indicators taking into account the proportionality principle. The indicators must make it possible to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities;
	(f) a description of the approach chosen for the implementation of the principle of partnership laid down in Article 13;
(f) a draft financing plan which sets out, for each priority and each year, the Fund's proposed financial contribution and the overall amount of public or private co-financing;	***(g)*** a draft financing plan which sets out, for each priority and each year, the Fund's proposed financial contribution and the overall amount of public or private co-financing;
(g) implementing provisions for the multiannual programme, ***including;***	***(h)*** implementing provisions for the multiannual programme, ***consisting of:***
- designation by the Member State of all the entities defined in Article 25;	- ***the*** designation by the Member State of all the entities defined in Article 25;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
- a description of the implementation, monitoring, control and evaluation systems;	- a description of the implementation, monitoring, control and evaluation systems;
- a definition of the procedures for the mobilisation and circulation of financial flows in order to ensure their transparency;	- a definition of the procedures for the mobilisation and circulation of financial flows in order to ensure their transparency;
- the provisions laid down to ensure that the multiannual programme is publicised.	- the provisions laid down to ensure that the multiannual programme is publicised.
2. The Member States shall establish each multiannual programme in close cooperation with the partners referred to in Article 13.	***deleted***
3. Member States shall submit their draft multiannual programme no later than four months after the Commission has provided the strategic guidelines ***for the period in question***.	***2***. Member States shall submit their draft multiannual programme no later than four months after the Commission has provided the strategic guidelines.
4. The Commission shall ***appraise the proposed multiannual programme in light of the following:***	***3. In order to approve the draft multi-annual programme,*** the Commission shall ***examine***
(a) its consistency with the objectives of the Fund and the strategic guidelines defined in Article 19;	(a) its consistency with the objectives of the Fund and the strategic guidelines defined in Article 19,
(b) the relevance***, appropriateness and expected results of the strategy and operational priority themes proposed by the Member State***;	(b) the relevance ***of the actions envisaged in the draft in light of the strategy which is proposed***;
(c) the compliance of the management and control systems set up by the Member State for the implementation of the Fund's interventions with the provisions set out in this Decision;	(c) the compliance of the management and control arrangements set up by the Member State for the implementation of the Fund's interventions with the provisions set out in this Decision;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(d) its compliance with Community law and in particular with Community law aiming at ensuring the free movement of persons in conjunction with the directly related flanking measures with respect to external borders controls, asylum and immigration.	(d) its compliance with Community law and in particular with Community law aiming at ensuring the free movement of persons in conjunction with the directly related flanking measures with respect to external borders controls, asylum and immigration.
5. Where the Commission considers that a multiannual programme is inconsistent with the strategic guidelines or does not comply with the provisions of this decision setting out management and control systems, it shall ***request*** the Member State to revise the proposed programme accordingly	***4.*** Where the Commission considers that a ***draft*** multiannual programme is inconsistent with the strategic guidelines or does not comply with the provisions of this decision setting out management and control systems ***or with Community law***, it shall ***invite*** the Member State to ***provide all necessary additional information and, where appropriate,*** to revise the proposed programme accordingly.
6. The Commission shall approve each multiannual programme within ***four*** months following its formal submission, in accordance with the procedure referred to in article 52(2).	***5.*** The Commission shall approve each multiannual programme within ***three*** months following its formal submission, in accordance with the procedure referred to in article 52(2).

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 21 Revision of multiannual programmes	Article 21 Revision of multiannual programmes
1. At the initiative of the Member State in question or the Commission, the multiannual programme shall be re-examined and, if necessary, revised for the rest of the programming period in order to take greater or different account of the Community priorities***, particularly in the light of Council conclusions***. Multiannual programmes may be re-examined in the light of evaluations and / or following implementation difficulties.	1. At the initiative of the Member State in question or the Commission, the multiannual programme shall be re-examined and, if necessary, revised for the rest of the programming period in order to take greater or different account of the Community priorities. Multiannual programmes may be re-examined in the light of evaluations and / or following implementation difficulties.
2. The Commission shall adopt a decision approving the revision of the multiannual programme as soon as possible after the formal submission of a request by the Member State concerned.	2. The Commission shall adopt a decision approving the revision of the multiannual programme as soon as possible after the formal submission of a request by the Member State concerned. ***The revision of the multiannual programme shall be done in accordance with the procedure referred to in Article 52(2).***
Article 22 Annual programmes	Article 22 Annual programmes
1. The multiannual programmes approved by the Commission shall be implemented by means of annual ***work*** programmes.	1. The multiannual programmes approved by the Commission shall be implemented by means of annual programmes.
2. The Commission shall provide Member States, no later than 1 July of each year, with an estimate of the amounts to be allocated to them for the following year from the total appropriations allocated under the annual budgetary procedure, calculated as provided by Article 15.	2. The Commission shall provide the Member States, no later than 1 July of each year, with an estimate of the amounts to be allocated to them for the following year from the total appropriations allocated under the annual budgetary procedure, calculated as provided by Article 15.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. Member States shall submit to the Commission, no later than 1 November of each year, a draft annual programme for the following year, established in accordance with the multiannual programme ***and including***:	3. Member States shall submit to the Commission, no later than 1 November of each year, a draft annual programme for the following year, established in accordance with the multiannual programme, ***consisting of the following elements***:
(a) the general rules for selection of projects to be financed under the annual programme;	(a) the general rules for selection of projects to be financed under the annual programme;
(b) a description of ***the tasks to be carried out by the responsible authority when implementing*** the annual programme;	(b) a description of ***the actions to be supported under*** the annual programme;
(c) the proposed financial breakdown of the Fund's contribution between the programme's various actions and an indication of the amount requested to cover technical assistance under Article18 for the purpose of implementing the annual programme.	(c) the proposed financial breakdown of the Fund's contribution between the programme's various actions and an indication of the amount requested to cover technical assistance under Article18 for the purpose of implementing the annual programme.
4. When examining ***the Member State's proposal***, the Commission shall take account of the final amount of the appropriations allocated to the Fund under the budgetary procedure	4. When examining ***the draft annual programme of*** a Member State, the Commission shall take account of the final amount of the appropriations allocated to the Fund under the budgetary procedure**.**
	Within one month of the formal submission of this draft, the Commission shall inform the Member State whether it can approve it or not. If the draft annual programme is inconsistent with the multiannual programme, the Commission shall invite the Member State to provide all necessary information and, where appropriate, to revise the proposed programme accordingly.
and shall adopt the decision on ***co-financing from the Fund*** no later than 1 March of the year in question. The decision shall indicate the amount allocated to the Member State and the period for which the expenditure is eligible. ***The Commission shall send the Agency the approved national annual programmes***.	***The Commission shall adopt the financing decision, approving the annual programme***, no later than 1 March of the year in question. The decision shall indicate the amount allocated to the Member State and the period for which the expenditure is eligible**.**
	5. To take into account duly substantiated emergency situations which were not foreseen at the time of the approval of the annual programme and requiring urgent action, a Member State may revise up to 10% of the financial breakdown of the Funds' contribution between the various actions listed in the annual programme or allocate up to 10% of the break down to other actions in accordance with this Decision. The Commission shall be informed of the revised annual programme.
	Article 22A ***Mid-term review of the multiannual programme***
	1. The Commission shall review the strategic guidelines and where necessary, adopt, on 31 March 2010 at the latest, new strategic guidelines for the period 2011- 2013.
	2. If such strategic guidelines are adopted, each Member States shall re-examine its multi-annual programme and where appropriate, revise it.
	3. The rules in Article 20 on the preparation and

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	approval of national multi-annual programmes shall apply mutatis mutandis for the preparation and approval of revised multi-annual programmes.
	4. The revised strategic guidelines shall be adopted in accordance with the procedure referred to in Article 52(3).

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER V MANAGEMENT AND CONTROL SYSTEMS Article 23 Implementation	CHAPTER V MANAGEMENT AND CONTROL SYSTEMS Article 23 Implementation
The Commission shall be responsible for implementing this Decision and shall adopt such implementing rules as may be necessary.	The Commission shall be responsible for implementing this Decision and shall adopt such implementing rules as may be necessary.
Article 24 General Principles in the management and control systems	Article 24 General Principles in the management and control systems
The management and control systems of multiannual programmes set up by Member States shall provide for:	The management and control systems of multiannual programmes set up by Member States shall provide for:
(a) ***a clear*** definition of the functions of the bodies ***and / or departments*** concerned in management and control and ***a clear*** allocation of functions within each body ***and/or department***;	(a) ***the*** definition of the functions of the bodies concerned in management and control and ***the*** allocation of functions within each body;
(b) ***a clear*** separation of functions between bodies ***and/or departments concerned in management, certification of expenditure and control and between those functions within each body and/or department***;	(b) ***the respect of the principle of*** separation of functions between ***and within such*** bodies;
(c) adequate resources for each body ***or department*** to carry out the functions which have been allocated to it throughout the period of implementation of actions financed by the Fund;	(c) adequate resources for each body ***[...]*** to carry out the functions which have been allocated to it throughout the period of implementation of actions financed by the Fund;
(d) ***effective internal control arrangements of the responsible authority and any delegated authority;***	(d) ***procedures for ensuring the correctness and regularity of the expenditure declared under the multiannual programmes;***
(e) reliable accounting, monitoring and financial reporting systems in computerised form;	(e) reliable accounting, monitoring and financial reporting systems in computerised form;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(f) ***an effective*** system of reporting and monitoring where ***the performance*** of tasks ***is delegated***;	(f) ***a*** system of reporting and monitoring where the ***responsible body entrusts the execution*** of tasks ***to another body***;
(g) ***detailed*** manuals of procedures in relation to the functions to be performed;	(g) manuals of procedures in relation to the functions to be performed;
(h) ***effective*** arrangements for ***the audit of*** the functioning of the system;	(h) arrangements for ***auditing*** the functioning of the system;
(i) systems and procedures to ensure ***a sufficient*** audit trail;	(i) systems and procedures to ensure ***an adequate*** audit trail;
(j) ***procedures concerning the*** reporting and ***the*** monitoring of irregularities and the recovery of amounts unduly paid.	(j) reporting and monitoring ***procedures for*** irregularities and for the recovery of amounts unduly paid***.***
Article 25 Designation of authorities 1. For ***each*** multiannual programme the Member State shall designate the following:	Article 25 Designation of authorities 1. For ***implementing its*** multiannual programme ***and annual programmes*** the Member State shall designate the following:
(a) a responsible authority : a functional body of the Member State or national public authority or body designated by the Member State, which shall be responsible for the management of multi-annual and annual programmes supported by the Fund and shall handle all communication with the Commission;	(a) a responsible authority : a functional body of the Member State, national public authority or body designated by the Member State ***or a body governed by the private law of the Member State and which has a public-service mission,*** which shall be responsible for the management of multi-annual and annual programmes supported by the Fund and shall handle all communication with the Commission;
(b) a certifying authority: national public authority or body ***operationally independent of any authorising department of the responsible authority***, designated by the Member State to certify declarations of expenditure and applications for payment before they are sent to the Commission;	(b) a certifying authority: national public authority or body, ***or individual acting as such body or authority,*** designated by the Member State to certify declarations of expenditure and applications for payment before they are sent to the Commission;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(c) an audit authority: national public authority or body ***operationally independent of any authorising department*** of the responsible authority designated by the Member State and responsible for verifying the ***sound operation*** of the management and control system**.**	(c) an audit authority: national public authority or body, ***provided that it is functionally independent*** **of** the responsible authority ***and the certifying authority,*** designated by the Member State and responsible for verifying the ***effective functioning*** of the management and control system***;***
(d) where appropriate, a delegated authority;	(d) where appropriate, a delegated authority.
(e) a compliance assessment body which shall be designated at the time of the submission to the Commission of each draft multiannual programme. The Commission may accept the designated audit authority as the compliance assessment body where it has the necessary capacity and operational independence. It must carry out its work according to international audit standards.	***deleted***
2. The Member State shall lay down rules governing its relations with ***those*** authorities ***and bodies*** and their relations with the Commission.	2. The Member State shall lay down rules governing its relations with ***the*** authorities ***referred to in paragraph 1*** and their relations with the Commission.
3. Subject to Article 24, point b), ***control and certification functions may be carried out by the same body or department***.	3. Subject to Article 24, point b), ***some or all of the authorities referred to in paragraph 1 may be located within the same body***.
4. The rules for implementing Articles 26 to 30 shall be adopted by the Commission in accordance with the procedure referred to in Article 52(2).	4. The rules for implementing Articles 26 to 30 shall be adopted by the Commission in accordance with the procedure referred to in Article 52(2).

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 26 Responsible authority	Article 26 Responsible authority
1. The responsible authority may be a body of the Member State itself, a national public authority, as well as a body governed by the private law of the Member State and which has a public-service mission. Where the Member State designates a responsible authority which is not a body of the Member State itself, it shall lay down all the arrangements governing its relations with the said authority and the latter's relations with the Commission.	***deleted***
2. The ***body designated as the*** responsible authority shall meet the following minimum conditions. It shall:	***1.*** The responsible authority shall meet the following minimum conditions. It shall:
(a) have legal personality, except where it is a functional body of the Member State;	(a) have legal personality, except where it is a functional body of the Member State;
(b) have the infrastructure required for easy communication with a wide range of users and with the responsible bodies in the other Member States and the Commission;	(b) have the infrastructure required for easy communication with a wide range of users and with the responsible bodies in the other Member States and the Commission;
(c) work in an administrative context allowing it to carry out its tasks correctly and avoiding any conflict of interest;	(c) work in an administrative context allowing it to carry out its tasks correctly and avoiding any conflict of interest;
(d) be in a position to apply Community fund management rules;	(d) be in a position to apply Community fund management rules;
(e) have financial and management capacities proportionate to the volume of Community funds which it will be called upon to manage;	(e) have financial and management capacities proportionate to the volume of Community funds which it will be called upon to manage;
(f) have at its disposal personnel with appropriate professional qualifications and language skills for administrative work in an international environment.	(f) have at its disposal personnel with appropriate professional qualifications for administrative work in an international environment.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. The Member State shall provide the responsible authority with adequate funding so that it can carry out its tasks properly and uninterruptedly throughout the period 2007-2013.	***2.*** The Member State shall provide the responsible authority with adequate funding so that it can ***continue to*** carry out its tasks properly throughout the period 2007-2013.
	3. The Commission may assist the Member States in the training of staff, in particular as regards the correct application of Chapters V - IX of this Decision.
Article 27 Tasks of the responsible authority 1. The responsible authority shall ***have responsibility for efficient, effective and correct managing and implementation of the*** multiannual programme. It shall in particular:	Article 27 Tasks of the responsible authority 1. The responsible authority shall ***be responsible for managing and implementing the*** multi-annual programme ***in accordance with the principle of sound financial management***. It shall in particular:
(a) consult ***relevant*** partners ***(non-governmental organisations, local authorities, competent international organisations, social partners etc.) through the partnership established pursuant to*** Article 13;	(a) consult partners ***in accordance with*** Article 13;
(b) submit to the Commission the proposals for multiannual and annual programmes defined in Articles 20 and 22;	(b) submit to the Commission proposals for multiannual and annual programmes defined in Articles 20 and 22;
(c) organise and advertise calls for tenders and proposals;	(c) organise and advertise calls for tenders and proposals***, if appropriate***;
(d) organise selection and award procedures for Fund co-financing in accordance with the principles ***of transparency, equal treatment and non-combination of grants***;	(d) organise selection and award procedures for ***co-financing actions under the*** Fund in accordance with the principles ***set out in Article 16, paragraph 5***;
(e) receive the payments made by the Commission, and make payments to the beneficiaries;	(e) receive payments made by the Commission, and make payments to the ***final*** beneficiaries;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(f) ensure consistency and complementarity between co-financing under the Fund and from other relevant national and Community financial instruments;	(f) ensure consistency and complementarity between co-financing under the Fund and from other relevant national and Community financial instruments;
(g) ***verify*** the delivery of the co-financed products and services and that the expenditure declared for actions has actually been incurred and complies with Community and national rules;	(g) ***monitor*** the delivery of the co-financed products and services and that the expenditure declared for actions has actually been incurred and complies with Community and national rules;
(h) ensure that there is a system for recording and storing in computerised form ***detailed*** accounting records of each action under the annual programmes and that the data on implementation necessary for financial management, monitoring, control and evaluation is collected;	(h) ensure that there is a system for recording and storing in computerised form accounting records of each action under the annual programmes and that the data on implementation necessary for financial management, monitoring, control and evaluation is collected;
(i) ensure that beneficiaries and other bodies involved in the implementation of actions cofinanced by the Fund maintain either a separate accounting system or an adequate accounting code for all transactions relating to the ***operation***;	(i) ensure that ***final*** beneficiaries and other bodies involved in the implementation of actions cofinanced by the Fund maintain either a separate accounting system or an adequate accounting code for all transactions relating to the ***action without prejudice to national accounting rules***;
(j) ensure that the evaluations of multiannual programmes referred to in Article ***48*** are carried out within the time limits laid down in this Decision and meet the quality standards agreed between the Commission and the Member State;	(j) ensure that the evaluations of multiannual programmes referred to in Article ***49*** are carried out within the time limits laid down in this Decision and meet the quality standards agreed between the Commission and the Member State;
(k) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements referred to in Article 43;	(k) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements referred to in Article 43;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(l) ensure that the audit authority receives, for the purposes of carrying out the audits defined in Article 30, ***paragraph 1*** all necessary information on management procedures operated and the projects co-financed by the Fund;	(l) ensure that the audit authority receives, for the purposes of carrying out the audits defined in Article 30***(1)*** all necessary information on management procedures operated and the projects co-financed by the Fund;
(m) ensure that the certifying authority receives all necessary information on the procedures and ***audits*** carried out in relation to expenditure for the purpose of certification;	(m) ensure that the certifying authority receives all necessary information on the procedures and ***verifications*** carried out in relation to expenditure for the purpose of certification;
(n) draw up and submit to the Commission reports, ***statements*** of expenditure certified by the certifying authority and ***applications*** for payment;	(n) draw up and submit to the Commission ***progress and final*** reports ***on the implementation of the annual programmes, declarations*** of expenditure certified by the certifying authority and ***requests*** for payment ***or, where appropriate, declaration of reimbursement***;
(o) carry out information and advisory activities; and dissemination of results of supported actions;	(o) carry out information and advisory activities; and dissemination of results of supported actions
(p) cooperate with the Commission and the responsible authorities in the other Member States.	(p) cooperate with the Commission and the responsible authorities in the other Member States.
	(q) verify the implementation by the final beneficiaries of the guidelines referred to in Article 33(6).
2. The responsible authority's management activities for projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 18.	2. The responsible authority's management activities for projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 18.
Article 28 Delegation of task by the Responsible Authority 1. Where all or some of the responsible authority's tasks are delegated to a delegated authority, the responsible authority shall define precisely the scope of the tasks delegated, and set out detailed procedures for the implementation of the delegated tasks, which shall comply with the conditions laid down in Article 26 ***above***.	Article 28 Delegation of task by the Responsible Authority 1. Where all or some of the responsible authority's tasks are delegated to a delegated authority, the responsible authority shall define the scope of the tasks delegated, and set out detailed procedures for the implementation of the delegated tasks, which shall comply with the conditions laid down in Article 26.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
2. These procedures shall include supplying the responsible authority with regular information on the effective performance of the delegated tasks and a description of the means employed.	2. These procedures shall include supplying the responsible authority with regular information on the effective performance of the delegated tasks and a description of the means employed
Article 29 Certifying Authority	Article 29 Certifying Authority
1. The certifying authority ***of a multiannual programme*** shall:	1. The certifying authority shall:
(a) certify that:	(a) certify that:
- the ***statement*** of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents,	- the ***declaration*** of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents,
- the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme and complying with Community and national rules;	- the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme and complying with Community and national rules;
(b) ensure for the purposes of certification that it has received adequate information from the responsible authority on the procedures and ***audits*** carried out in relation to expenditure included in ***statements*** of expenditure;	(b) ensure for the purposes of certification that it has received adequate information from the responsible authority on the procedures and ***verifications*** carried out in relation to expenditure included in ***declarations*** of expenditure;
(c) take account for the purposes of certification of the results of all audits carried out by or under the responsibility of the audit authority;	(c) take account for the purposes of certification of the results of all audits carried out by or under the responsibility of the audit authority;
(d) maintain accounting records in computerised form of expenditure declared to the Commission;	(d) maintain accounting records in computerised form of expenditure declared to the Commission;
(e) ensure the recovery of any Community financing found to have been unduly paid as a result of irregularities detected, together with interest where appropriate, keeping an account of amounts recoverable and repaying amounts recovered to the ***Commission***, where possible by deducting them from the next ***statement*** of expenditure.	(e) ensure the recovery of any Community financing found to have been unduly paid as a result of irregularities detected, together with interest where appropriate, keeping an account of amounts recoverable and repaying amounts recovered to the ***general budget of the European Communities***, where possible by deducting them from the next ***declaration*** of expenditure.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
2. The certifying authority's activities relating to projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 18, provided that the prerogatives of this authority as described in Article 25 are respected.	2. The certifying authority's activities relating to projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 18, provided that the prerogatives of this authority as described in Article 25 are respected.
Article 30 Audit Authority 1. The audit authority ***of a multiannual programme*** shall:	Article 30 Audit Authority 1. The audit authority shall:
(a) ensure that audits are carried ***out in accordance with international audit standards*** to verify the effective ***operation*** of the management and control system ***of the multiannual programme;***	(a) ensure that audits are carried out to verify the effective ***functioning*** of the management and control system**,**
(b) ensure that audits are carried out on actions on the basis of an appropriate sample to verify expenditure declared; the sample shall represent at least 10% of the total eligible expenditure for each annual programme;	(b) ensure that audits are carried out on actions on the basis of an appropriate sample to verify expenditure declared; the sample shall represent at least 10% of the total eligible expenditure for each annual programme;
(c) present to the Commission within six months of the approval of the multiannual programme an audit strategy covering the bodies which will perform the audits referred to under subparagraphs a) and b), ***the method to be used, the sampling method for audits on actions supported by the Fund and the indicative planning of audits to ensure*** that the main beneficiaries of cofinancing by the Fund are audited and that audits are spread evenly throughout the programming period;	(c) present to the Commission within six months of the approval of the multiannual programme an audit strategy covering the bodies which will perform the audits referred to under subparagraphs a) and b), ***ensuring*** that the main beneficiaries of cofinancing by the Fund are audited and that audits are spread evenly throughout the programming period;

COMMISSION PROPOSAL	*COMPROMISE TEXT*
2. Where the designated audit authority under this decision is also the designated audit authority under Decisions….., …… and ……[43], or where common systems apply to two or more of these Funds, a single combined audit strategy may be submitted under paragraph 1 point c).	2. Where the designated audit authority under this decision is also the designated audit authority under Decisions….., …… and ……., or where common systems apply to two or more of these Funds, a single combined audit strategy may be submitted under paragraph 1 point c).
3. ***The*** audit authority shall draft a ***final report on the implementation of the annual programmes as defined in Article 50(2),*** which shall comprise:	3***. For each annual programme, the*** audit authority shall draft a report which shall comprise:
(a) an annual audit report setting out the findings of the audits carried out in accordance with the audit strategy in respect of the annual programme reporting any shortcomings found in the systems for the management and control of the programme.	(a) an annual audit report setting out the findings of the audits carried out in accordance with the audit strategy in respect of the annual programme ***and*** reporting any shortcomings found in the systems for the management and control of the programme
(b) an opinion as to whether the management and control system ***has operated effectively to give a*** reasonable assurance ***on the correctness of the statements*** of expenditure presented to the Commission ***and the legality and regularity of*** the underlying transactions.	(b) an opinion***, on the basis of the controls and audits that have been carried out under the responsibility of the audit authority,*** as to whether ***the functioning of the*** management and control system ***provides*** reasonable assurance ***that declarations*** of expenditure presented to the Commission ***are correct and that*** the underlying transactions ***are legal and regular***.
(c) a declaration assessing the validity of the ***application*** for payment of the final balance and the legality and regularity of the ***underlying transactions covered by the final statement of*** expenditure.	(c) a declaration assessing the validity of the ***request*** for payment of the final balance and the legality and regularity of the expenditure ***concerned.***
4. ***Where the audits referred to in paragraph 1 are carried out by a body other than the audit authority, the*** audit authority shall ensure that ***such bodies have the necessary operational independence and that the work is performed to*** internationally accepted audit standards.	4. ***The*** audit authority shall ensure that ***the audit work takes account of*** internationally accepted audit standards.

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COMMISSION PROPOSAL	*COMPROMISE TEXT*
5. The activities of the audit authority or of the body referred to in paragraph 4 relating to projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 18, provided that the prerogatives of this authority as described in Article 25 are respected.	5. ***The audit [...]*** relating to projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 18 provided that the prerogatives of this authority as described in Article 25 are respected.
CHAPTER VI CONTROLS Article 31 Responsibilities of the Member States	CHAPTER VI ***RESPONSIBILITIES AND*** CONTROLS Article 31 Responsibilities of the Member States
1. Member States shall be responsible for ensuring sound financial management of multiannual and annual programmes and the legality and regularity of underlying transactions.	1. Member States shall be responsible for ensuring sound financial management of multiannual and annual programmes and the legality and regularity of underlying transactions
2. They shall ensure that responsible authorities and any delegated authority, certifying authorities, audit authorities and any other bodies concerned receive adequate guidance on setting up the management and control systems referred to in Articles 24 to 30 to ensure that Community financing is used efficiently and correctly.	2. They shall ensure that responsible authorities and any delegated authority, certifying authorities, audit authorities and any other bodies concerned receive adequate guidance on setting up the management and control systems referred to in Articles 24 to 30 to ensure that Community financing is used efficiently and correctly.
3. Member States shall prevent, detect and correct irregularities. They shall notify these to the Commission, and keep the Commission informed of the progress in the administrative and legal proceedings.	3. Member States shall prevent, detect and correct irregularities. They shall notify these to the Commission, and keep the Commission informed of the progress in the administrative and legal proceedings.
When amounts unduly paid to a beneficiary cannot be recovered, the Member State is responsible for reimbursing the amounts lost to the budget of the European Communities.	When amounts unduly paid to a ***final*** beneficiary cannot be recovered, the Member State is responsible for reimbursing the amounts lost to the ***general*** budget of the European Communities ***when it is established that the loss has been incurred as a result of its fault or negligence.***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
4. Member States shall be primarily responsible for financial control of actions and shall ensure that management systems and audits are implemented in such a way as to guarantee that Community funds are used properly and effectively. They shall provide the Commission with a description of these systems.	4. Member States shall be primarily responsible for financial control of actions and shall ensure that management systems and audits are implemented in such a way as to guarantee that Community funds are used properly and effectively. They shall provide the Commission with a description of these systems.
5. Member States shall cooperate with the Commission for the collection of the statistics needed for the implementation of Article 15.	***deleted***
6. The detailed rules for implementing paragraphs 1***,*** to ***5*** shall be adopted in accordance with the procedure referred to in Article 52(2).	***5.*** The detailed rules for implementing paragraphs 1 to ***4*** shall be adopted in accordance with the procedure referred to in Article 52(2).
Article 32 Management and control systems 1. Prior to the ***adoption of a*** multiannual programme***,*** the Member States shall ensure that management and control systems have been set up in accordance with Articles 24 to 30. They shall be responsible for ensuring that the systems function effectively throughout the programming period.	Article 32 Management and control systems 1. Prior to the ***approval of the*** multi-annual programme ***by the Commission, in accordance with the procedure referred to in Article 52(2)*** the Member States shall ensure that management and control systems have been set up in accordance with Articles 24 to 30. They shall be responsible for ensuring that the systems function effectively throughout the programming period.
2. Member States shall submit to the Commission, together with ***each*** draft multiannual programme, a description of the systems, covering in particular the organisation and procedures of the responsible authorities, delegated authorities and certifying authorities, and the internal audit systems operating in ***those*** authorities and bodies, the audit authority, and any other bodies carrying out audits under its responsibility.	2. Member States shall submit to the Commission, together with ***their*** draft multiannual programme, a description of the organisation and procedures of the responsible authorities, delegated authorities and certifying authorities, and the internal audit systems operating in ***these*** authorities and bodies, the audit authority, and any other bodies carrying out audits under its responsibility.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. Within three months of the submission to the Commission of each draft multiannual programme, the Member States shall submit a report established by the compliance assessment body setting out the results of an assessment of the systems and giving an opinion on their compliance with Articles 24 to 30. In the event that the opinion contains reservations, the report shall indicate the shortcomings and their seriousness. The Member States shall draw up, in agreement with the Commission, a plan setting out the corrective measures to be taken and the timetable for their implementation.	***deleted***
4. The detailed rules for implementing paragraphs 1 to 3 shall be adopted in accordance with the procedure referred to in Article 52(2).	***3. The Commission shall review the application of this provision in the context of the preparation of the report for the period 2007-2010 set out in Article 50(3).***
Article 33 Responsibilities of the Commission 1. The Commission shall satisfy itself in accordance with the procedure laid down in Article 30 that the Member States have set up management and control systems that comply with Articles 24 to 30, and on the basis of the annual audit reports and its own audits that the systems function effectively during the period ***of implementation of the multiannual programmes***.	Article 33 Responsibilities of the Commission 1. The Commission shall satisfy itself in accordance with the procedure laid down in Article ***32*** that the Member States have set up management and, control systems that comply with Articles 24 to 30, and on the basis of the annual audit reports and its own audits, that the systems function effectively during the ***programming*** period.
2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot audits to verify the effective ***operation*** of the management and control systems, which may include audits on actions included in the annual programmes, with a minimum of ***one working day's*** notice. Officials or authorised representatives of the Member State concerned may take part in such audits.	2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot audits to verify the effective ***functioning*** of the management and control systems, which may include audits on actions included in the annual programmes, with a minimum of ***three working days'*** notice. Officials or authorised representatives of the Member State concerned may take part in such audits.
3. The Commission may require a Member State to carry out an on-the-spot check to verify the correct functioning of the systems or the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such audits.	3. The Commission may require a Member State to carry out on-the-spot checks to verify the correct functioning of the systems or the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such audits.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
4. The Commission shall, in cooperation with the Member States, ensure that appropriate information, publicity and follow-up are provided for actions supported by the Fund.	4. The Commission shall, in cooperation with the Member States, ensure that appropriate information, publicity and follow-up are provided for actions supported by the Fund.
5. The Commission shall, in cooperation with the Member States, ensure that actions are consistent with, and complementary to, other relevant Community policies, instruments and initiatives.	5. The Commission shall, in cooperation with the Member States, ensure that actions are consistent with, and complementary to, other relevant Community policies, instruments and initiatives.
	6. The Commission shall lay down guidelines to ensure the visibility of the funding granted under this Decision.
Article 34 Cooperation with the control bodies of the Member States 1. The Commission shall cooperate with the audit authorities ***of multiannual programmes*** to coordinate their respective control plans and audit methods and shall immediately exchange the results of audits carried out on management and control systems in order to make the best possible use of control resources and to avoid unjustified duplication of work. The Commission shall provide its comments on the audit strategy presented under Article 30 not later than three months ***or at the first meeting following its reception***.	Article 34 Cooperation with the control bodies of the Member States 1. The Commission shall cooperate with the audit authorities to coordinate their respective control plans and audit methods and shall immediately exchange the results of audits carried out on management and control systems in order to make the best possible use of control resources and to avoid unjustified duplication of work. The Commission shall provide its comments on the audit strategy presented under Article 30 not later than three months.
2. In determining its own audit strategy, the Commission shall identify those ***multiannual*** programmes	2. In determining its own audit strategy, the Commission shall identify those ***annual*** programmes ***which it considers satisfactory on the basis of its existing knowledge of the management and control systems***.
(a) which comply with the system established under Article 32 without reservations or for which reservations have been withdrawn following corrective measures; and	

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(b) for which the audit strategy of the audit authority under Article 30 is satisfactory and where reasonable assurance has been obtained that the management and control systems function effectively on the basis of the results of audits by the Commission and the Member State	
3. For those programmes, the Commission may ***inform the Member States concerned*** that it ***will*** rely principally on the ***opinion of the audit authority as to the correctness, legality and regularity of expenditure declared*** and will carry out its own on-the-spot audits ***only in exceptional circumstances***.	3. For those programmes, the Commission may ***conclude*** that it ***can*** rely principally on the ***audit evidence provided by the Member States and that it*** will carry out its own on the spot audits only ***if there is evidence to suggest shortcomings in the systems***.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER VII FINANCIAL MANAGEMENT Article 35 Eligibility – declarations of expenditure	CHAPTER VII FINANCIAL MANAGEMENT Article 35 Eligibility – declarations of expenditure
1. All declarations of expenditure shall include the amount of expenditure incurred by beneficiaries in implementing the actions and the corresponding contribution from public or private funds.	1. All declarations of expenditure shall include the amount of expenditure incurred by ***final*** beneficiaries in implementing the actions and the corresponding contribution from public or private funds.
2. Expenditure shall correspond to the payments effected by the beneficiaries. It shall be justified by receipted invoices or accounting documents of equivalent ***probative*** value.	2. Expenditure shall correspond to the payments effected by the beneficiaries. It shall be justified by receipted invoices or accounting documents of equivalent ***evidential*** value.
3. Expenditure may be considered eligible for support from the Fund only if it is actually paid no earlier than 1 January of the year referred to ***in the Commission*** decision ***on co-financing*** indicated in Article 22(4). The co-financed actions must not have been completed before the starting date for eligibility.	3. Expenditure may be considered eligible for support from the Fund only if it is actually paid no earlier than 1 January of the year referred to in the ***financing*** decision, ***approving the annual programme,*** indicated in Article 22(4). The co-financed actions must not have been completed before the starting date for eligibility. ***By way of exception, the period for which expenditure is eligible shall be fixed at three years for the expenditure implementing the actions supported under the 2007 annual programmes.***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
4. The following expenditure shall not be eligible for a contribution from the Fund: ***- VAT*** ***- interest on debt*** ***the purchase of land for an amount exceeding 10% of the total eligible expenditure for the operation concerned;*** ***- housing***	***deleted***
5. The rules governing eligibility of expenditure within the framework of actions implemented co-financed by the Fund in the Member States under Article 4 shall be adopted in accordance with the procedure provided for in Article 52(2).	***4.*** The rules governing eligibility of expenditure within the framework of actions implemented co-financed by the Fund in the Member States under Article 4 shall be adopted in accordance with the procedure provided for in Article 52(2).
Article 36 Wholeness of payment to beneficiaries Member States shall satisfy themselves that the responsible authority ensures that the beneficiaries receive the total amount of the contribution from public funds as quickly as possible. No amounts shall be deducted or withheld, nor any further specific charge or other charge with equivalent effect shall be levied that would reduce these amounts for the beneficiaries.	Article 36 Completeness of payment to beneficiaries Member States shall satisfy themselves that the responsible authority ensures that the ***final*** beneficiaries receive the total amount of the contribution from public funds as quickly as possible. No amounts shall be deducted or withheld, nor any further specific charge or other charge with equivalent effect shall be levied that would reduce these amounts for the ***final*** beneficiaries***, provided that the final beneficiaries meet all the requirements regarding the eligibility of actions and expenses***.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 37 Use of the euro	Article 37 Use of the euro ***1. Amounts set out in the draft multi-annual and annual programmes of the Member States referred to in respectively Articles 20 and 22, certified declarations of expenditure, requests for payments referred to in Article 27(1), point (n) and expenditure mentioned in the progress report on the implementation of the annual programme referred to in Article 39(4) and the final report on the implementation of the annual programme referred to in Article 51 shall be denominated in euro.***
All amounts mentioned in the financing decisions ***by the Commission, in the*** commitments and payments ***made by the Commission as well as the amounts of certified expenditure and requests for payment from the*** Member States shall be ***expressed*** and carried out in euro.	***2. Commission*** financing decisions***, approving the annual programmes of*** Member States ***referred to in Article 22(4)*** commitments and payments ***shall be denominated*** and carried out in euro***.***
	3. Member States which have not adopted the euro as their currency on the date of the request for payment shall convert into euro the amounts of expenditure incurred in national currency. This amount shall be converted in euro using the monthly accounting exchange rate of the Commission in the month during which the expenditure was registered in the accounts of the responsible authority of the programme concerned. This rate shall be published electronically by the Commission each month.
	4. When the euro becomes the currency of a Member State, the conversion procedure set out in the preceding paragraph shall continue to apply to all expenditure recorded in the accounts by the certifying authority before the date of entry into force of the fixed conversion rate between the national currency and the euro.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 38 Commitments	Article 38 Commitments
Community budgetary commitments shall be made annually on the basis of the Commission decision on co-financing referred to in Article 22(4).	Community budgetary commitments shall be made annually on the basis of the Commission ***financing*** decision***, approving the annual*** programme referred to in Article 22(4).
Article 39 Payments - Prefinancing	Article 39 Payments - Prefinancing
1. Payments by the Commission of the contribution from the Funds shall be made in accordance with the budget commitments.	1. Payments by the Commission of the contribution from the Funds shall be made in accordance with the budget commitments.
2. Payments shall take the form of pre-financing and payment of the balance. They shall be made to the responsible authority designated by the Member State.	2. Payments shall take the form of pre-financing and payment of the balance. They shall be made to the responsible authority designated by the Member State.
3. A pre-financing payment representing 50% of the amount allocated in the ***Commission's annual*** decision ***on co-financing by the Fund*** shall be made to the Member State within sixty days following the adoption of ***the co-financing*** decision.	3. A pre-financing payment representing 50% of the amount allocated in the ***financing*** decision***, approving the annual programme*** shall be made to the Member State within sixty days following the adoption of ***that*** decision.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
4. A second pre-financing payment shall be made no more than three months after the Commission has approved a progress report on implementation of the annual programme and a certified declaration of expenditure drawn up in accordance with Articles ***29, point a)*** and 35***,*** accounting for at least ***70***% of the amount of the initial payment. The amount of the second pre-financing payment made by the Commission shall not exceed 50% of the total amount allocated by the ***co-financing*** decision ***or***, in any event, the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.	4. A second pre-financing payment shall be made no more than three months after the Commission has approved***, within two months of the formal submission,*** a progress report on ***the*** implementation of the annual programme and a certified declaration of expenditure drawn up in accordance with Articles 29***(1)(a)*** and 35 accounting for at least ***60***% of the amount of the initial payment. The amount of the second pre-financing payment made by the Commission shall not exceed 50% of the total amount allocated by the ***financing*** decision, ***approving the annual programme and***, in any event, ***where a Member State has committed nationally an amount less than the amount indicated in the financing decision, approving the annual programme,*** the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment
5. ***Interests*** generated by pre-financing payments shall be ***assigned*** to the programme concerned ***and must be deducted from the amount of public expenditure declared in the final statement*** of expenditure.	***5. Any interest*** generated by pre-financing payments shall be ***posted*** to the programme concerned***, being regarded as a resource for the Member State as national public contribution and shall be declared to the Commission at the time of the final declaration*** of expenditure ***of the programme concerned***.
6. The amounts paid as pre-financing shall be cleared from the accounts when the annual programme is closed.	6. The amounts paid as pre-financing shall be cleared from the accounts when the annual programme is closed.
Article 40 Balance payments 1. The Commission shall pay the balance provided it has received the following documents ***within*** nine months ***from the end date of*** eligibility ***of costs defined in the annual decision on co-financing by the Fund***:	Article 40 Payment of balance 1. The Commission shall pay the balance provided it has received the following documents ***no later than*** nine months ***after the*** eligibility ***deadline for expenditure laid down in the financing decision, approving the annual programme***:

COMMISSION PROPOSAL	*COMPROMISE TEXT*
(a) a certified declaration of expenditure ***and a request for payment of the balance or declaration of reimbursement*** duly drawn up in accordance with Articles 29, point a) and 35;	(a) a certified declaration of expenditure***,*** duly drawn up in accordance with Articles 29***(1)***, point a) and 35***, and a request for payment of the balance or declaration of reimbursement***;
(b) the final ***implementation*** report ***for*** the annual programme***, including the information*** set out in Article 51;	***(b***) the final report ***on the*** implementation ***of*** the annual programme ***as*** set out in Article 51;
(c) the audit report, opinion and declaration provided for in Article 30***(2)***; The payment of the balance is subject to the acceptance of the final ***implementation*** report and of the ***statement of*** validity ***for*** the request for payment of the balance.	(c) the ***annual*** audit report, opinion and declaration provided for in Article 30***(3)***. The payment of the balance is subject to the acceptance of the final ***report on the implementation of the annual programme*** and of the ***declaration assessing the*** validity ***of*** the request for payment of the balance.
2. If the responsible authority fails to provide the documents required in paragraph 1 by the due date and in an acceptable format, the Commission shall decommit any part of the budget commitment of the corresponding annual programme that has not been used for payment of the pre-financing.	2. If the responsible authority fails to provide the documents required in paragraph 1 by the due date and in an acceptable format, the Commission shall decommit any part of the budget commitment of the corresponding annual programme that has not been used for payment of the pre-financing.
3. The automatic cancellation procedure defined in paragraph 2 shall be suspended, for the amount of the projects concerned, where legal proceedings or administrative appeal having ***suspensory*** effects are ongoing at Member State level at the time of submission of the documents defined in paragraph 1. The Member State shall, in the partial final report submitted, give detailed information on such projects, and send reports on progress made with regard to these projects every 6 months. Within 3 months of the conclusion of the legal proceedings or administrative appeal procedure, the Member State shall present the documents required in paragraph 1 for the projects concerned.	3. The automatic cancellation procedure defined in paragraph 2 shall be suspended, for the amount of the projects concerned, where legal proceedings or administrative appeal having ***suspensive*** effects are ongoing at Member State level at the time of submission of the documents defined in paragraph 1. The Member State shall, in the partial final report submitted, give detailed information on such projects, and send reports on progress made with regard to these projects every 6 months. Within 3 months of the conclusion of the legal proceedings or administrative appeal procedure, the Member State shall present the documents required in paragraph 1 for the projects concerned.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
4. The nine months period referred to in paragraph 1 shall be interrupted if the Commission has adopted a decision suspending payments of the co-financing for the relevant annual programme in accordance with the provisions of Article 42. The period shall start to run again from the date when the Commission decision referred to in Article 42(3) has been notified to the Member State.	4. The nine months period referred to in paragraph 1 shall be interrupted if the Commission has adopted a decision suspending payments of the co-financing for the relevant annual programme in accordance with the provisions of Article 42. The period shall start to run again from the date when the Commission decision referred to in Article 42(3) has been notified to the Member State.
5. Without prejudice to the provisions of Article 41, the Commission shall, within six months of receiving the documents referred to in paragraph 1, inform the Member State of the amount of expenditure recognised by the Commission as chargeable to the Fund, and of any financial corrections deriving from the difference between declared expenditure and the expenditure recognised. The Member State shall have three months to present its comments.	5. Without prejudice to the provisions of Article 41, the Commission shall, within six months of receiving the documents referred to in paragraph 1, inform the Member State of the amount of expenditure recognised by the Commission as chargeable to the Fund, and of any financial corrections deriving from the difference between declared expenditure and the expenditure recognised. The Member State shall have three months to present its comments.
6. Within three months of receiving the Member State's comments, the Commission shall decide on the amount of expenditure recognised as chargeable to the Fund, and recover the balance arising from the difference between final recognised expenditure and the sums already paid to the Member States.	6. Within three months of receiving the Member State's comments, the Commission shall decide on the amount of expenditure recognised as chargeable to the Fund, and recover the balance arising from the difference between final recognised expenditure and the sums already paid to the Member States.
7. Subject to available funding, the Commission shall pay the balance within no more than sixty days from the date on which it accepts the documents referred to in paragraph one above. The balance of the budgetary commitment shall be decommitted six months following the payment.	7. Subject to available funding, the Commission shall pay the balance within no more than sixty days from the date on which it accepts the documents referred to in paragraph one above. The balance of the budgetary commitment shall be decommitted ***within*** six months following the payment.
Article 41 Interruption 1. The payment deadline shall be interrupted by the authorising officer by delegation within the meaning of Regulation (EC, Euratom) No 1605/2002 for a maximum period of six months if	Article 41 Interruption 1. The payment deadline shall be interrupted by the authorising officer by delegation within the meaning of Regulation (EC, Euratom) No 1605/2002 for a maximum period of six months if
there are doubts as to the proper functioning of the management and control systems	***(a) in a report of a national or Community audit body there is evidence to suggest a significant deficiency in the*** functioning of the management and control systems***;***
or if the authorising officer ***requires*** additional information ***from the national authorities in the process of monitoring the observations made under the annual review, or if s/he suspects that serious irregularities, detected or presumed, are included in the expenditure declared***.	***(b) that*** officer ***has to carry out*** additional ***verifications following*** information ***coming to his notice which alerted him that expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected***.
The ***Commission shall inform the*** Member State ***concerned*** and the ***responsible*** authority immediately of the reasons for the interruption. ***The Member State shall take the necessary steps to correct the situation as soon as possible***	***2. The*** Member State and the ***certifying*** authority ***shall be informed*** immediately of the reasons for the interruption. ***The interruption shall be ended as soon as the necessary measures have been taken by the Member State.***
2. The maximum period of six months shall be extended for another maximum period of six months if it proves necessary to adopt a decision in accordance with Articles 42 and 45.	***deleted***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 42 Suspension	Article 42 Suspension
1. All or part of the pre-financing and balance payments may be suspended by the Commission when:	1. All or part of the pre-financing and balance payments may be suspended by the Commission when:
(a) there is a serious deficiency in the management and control system of the programme which affects the reliability of the procedure for certification of payments and for which corrective measures have not been taken; or	(a) there is a serious deficiency in the management and control system of the programme which affects the reliability of the procedure for certification of payments and for which corrective measures have not been taken; or
(b) expenditure in a certified ***statement*** of expenditure is linked to a serious irregularity which has not been corrected; or	(b) expenditure in a certified ***declaration*** of expenditure is linked to a serious irregularity which has not been corrected; or
(c) a Member State has not complied with its obligations under Article 31 and 32***.***	(c) a Member State has not complied with its obligations under Article 31 and 32.
2. The Commission may decide to suspend pre-financing and balance payments after having given the Member State the opportunity to present its observations within a period of three months.	2. The Commission may decide to suspend pre-financing and balance payments after having given the Member State the opportunity to present its observations within a period of three months.
3. The Commission shall end suspension of pre-financing and balance payments when it considers that the Member State has taken the necessary measures to enable the suspension to be lifted.	3. The Commission shall end suspension of pre-financing and balance payments when it considers that the Member State has taken the necessary measures to enable the suspension to be lifted.
4. If the required measures are not taken by the Member State, the Commission may adopt a decision to ***reduce*** the net amount or cancel the Community contribution to the annual programme in accordance with Article 46.	4. If the required measures are not taken by the Member State, the Commission may adopt a decision to ***cancel all or part*** of the net amount or cancel the Community contribution to the annual programme in accordance with Article 46.
Article 43 Conservation of documents	Article 43 Conservation of documents
In each Member State the responsible ***authority*** shall ensure that all the supporting documents regarding expenditure and audits on the ***annual programme*** concerned are kept available for the Commission and the Court of Auditors.	***Without prejudice to the rules governing State aid under Article 87 of the Treaty***, the responsible ***Authority*** shall ensure that all the supporting documents regarding expenditure and audits on the ***programmes*** concerned are kept available for the Commission and the Court of Auditors ***for a period of five years following the closure of the programmes as defined in Article 40(1)***. .
The documents shall be kept available at least for a period three years following the closure of an annual programme, without prejudice to the rules governing State aid. This period shall be interrupted either in the case of legal proceedings or at the request of the Commission ***stating the reasons***.	This period shall be interrupted either in the case of legal proceedings or at the ***duly motivated*** request of the Commission.
The documents shall be kept either in the form of the originals or in versions certified to be in conformity with the originals on commonly accepted data carriers.	The documents shall be kept either in the form of the originals or in versions certified to be in conformity with the originals on commonly accepted data carriers
This period shall be interrupted either in the case of legal proceedings or at the request of the Commission stating the reasons.	

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER VIII FINANCIAL CORRECTIONS Article 44 Financial corrections established by the Member States	CHAPTER VIII FINANCIAL CORRECTIONS Article 44 Financial corrections established by the Member States
1. ***Without prejudice to the Commission's responsibilities for implementing the general budget of the European Communities, the*** Member States shall ***be primarily responsible*** for investigating irregularities***. They shall act*** upon evidence of any major change affecting the nature or the conditions for the implementation or control of ***assistance*** and making the required financial corrections.	1. ***The*** Member States shall ***in the first instance bear the responsibility*** for investigating irregularities***, acting*** upon evidence of any major change affecting the nature or the conditions for the implementation or control of ***programmes*** and making the required financial corrections.
2. The Member States shall make the financial corrections required in connection with the individual or systemic irregularities detected in actions or annual programmes. The corrections made by the Member States shall consist in recovering all or part of the Community contribution. The Member State shall take into account the nature and gravity of the irregularities and the financial loss to the Fund. Member States shall include in the annual report sent to the Commission under Article 50(2) a list of cancellation proceedings initiated for the annual programme concerned. The corrections made by the Member State shall consist in cancelling all or part of the Community contribution, and, where the amount is not repaid in the time allowed by the relevant Member State, default interest shall be due at the rate provided for by Article 47(2).	2. The Member States shall make the financial corrections required in connection with the individual or systemic irregularities detected in actions or annual programmes. The corrections made by the Member States shall consist in recovering all or part of the Community contribution. The Member State shall take into account the nature and gravity of the irregularities and the financial loss to the Fund. Member States shall include in the ***final*** report ***on the implementation of the annual programme referred to in Article 51*** a list of cancellation proceedings initiated for the annual programme concerned. The corrections made by the Member State shall consist in cancelling all or part of the Community contribution, and, where the amount is not repaid in the time allowed by the relevant Member State, default interest shall be due at the rate provided for by Article 47(2).
3. In the case of systemic irregularities the Member State shall extend its enquiries to cover all operations liable to be affected.	3. In the case of systemic irregularities the Member State shall extend its enquiries to cover all operations liable to be affected.
Article 45 Audit of accounts and financial corrections by the Commission	Article 45 Audit of accounts and financial corrections by the Commission
1. Without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or authorised Commission representatives may carry out on the spot checks, including sample checks, on the operations financed by the Fund and on management and control systems with a minimum of ***one*** working ***day's*** notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or authorised representatives of the Member State concerned may take part in such checks.	1. Without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or authorised Commission representatives may carry out on the spot checks, including sample checks, on the operations financed by the Fund and on management and control systems with a minimum of ***three*** working ***days'*** notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or authorised representatives of the Member State concerned may take part in such checks.
2. The Commission may require the Member State concerned to carry out an on the spot check to verify the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.	The Commission may require the Member State concerned to carry out an on the spot check to verify the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.
3. If, after completing the necessary verifications, the Commission concludes that a Member State is not complying with its obligations under Articles 31, it shall suspend the pre-financing or final payment in accordance	***2.*** If, after completing the necessary verifications, the Commission concludes that a Member State is not complying with its obligations under Articles 31, it shall suspend the pre-financing or final payment in accordance

COMMISSION PROPOSAL	*COMPROMISE TEXT*
with Article 42.	with Article 42.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 46 Criteria for the corrections	Article 46 Criteria for the corrections
1. ***If the Member State has not made the corrections within the period as provided for in Article 42(2) and if no agreement has been reached, the*** Commission may ***decide within three months to cancel*** all or part of the Community contribution to an annual programme ***when*** it concludes that:	1. ***The*** Commission may ***make financial corrections by cancelling*** all or part of the Community contribution to an annual programme ***where, after carrying out the necessary examination,*** it concludes that:
(a) there is a serious deficiency in the management and control system of the programme which has put at risk the Community contribution already paid to the programme;	(a) there is a serious deficiency in the management and control system of the programme which has put at risk the Community contribution already paid to the programme;
(b) expenditure contained in a certified ***statement*** of expenditure is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph; ***and***	(b) expenditure contained in a certified ***declaration*** of expenditure is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph;
(c) a Member State has not complied with its obligations under Article 31 prior to the opening of the correction procedure under this paragraph.	(c) a Member State has not complied with its obligations under Article 31 prior to the opening of the correction procedure under this paragraph.
(d) The Commission shall decide after having taken into account any comments made by the Member State.	The Commission shall decide after having taken into account any comments made by the Member State.
2. The Commission shall base its financial corrections on individual cases of irregularity identified, taking account of the systemic nature of the irregularity to determine whether a flat-rate or extrapolated correction should be applied. Where the case of irregularity relates to a ***statement*** of expenditure for which a positive assurance had previously been given in accordance with the Article 30(3) point b) in an annual report, there will be a presumption of a systemic problem giving rise to the application of a flat-rate or extrapolated correction, unless the Member State can provide proof within three months to rebut this presumption.	2. The Commission shall base its financial corrections on individual cases of irregularity identified, taking account of the systemic nature of the irregularity to determine whether a flat-rate or extrapolated correction should be applied. Where the case of irregularity relates to a ***declaration*** of expenditure for which a positive assurance had previously been given in accordance with the Article 30(3) point b) in an annual report, there will be a presumption of a systemic problem giving rise to the application of a flat-rate or extrapolated correction, unless the Member State can provide proof within three months to rebut this presumption.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. The Commission shall, when deciding the amount of a correction, take account of the importance of the irregularity and the extent and financial implications of the deficiencies found in the annual programme concerned.	3. The Commission shall, when deciding the amount of a correction, take account of the importance of the irregularity and the extent and financial implications of the deficiencies found in the annual programme concerned.
4. Where the Commission bases its position on the facts established by auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences, after examining the measures taken by the Member State concerned under Article 32, the reports of notified irregularities and any replies from the Member State.	4. Where the Commission bases its position on the facts established by auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences, after examining the measures taken by the Member State concerned under Article 32, the reports of notified irregularities and any replies from the Member State.
Article 47 Repayment	Article 47 Repayment
1. Any repayment due to be made to the ***Commission*** shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 72 of the Council Regulation (EC, Euratom) No 1605/2002[44]. This due date shall be the last day of the second month following the issuing of the order.	1. Any repayment due to be made to the ***general budget of the European Communities*** shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 72 of the Council Regulation (EC, Euratom) No 1605/2002[45]. This due date shall be the last day of the second month following the issuing of the order.
2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the Official Journal of the European Union, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.	2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the Official Journal of the European Union, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

[44] OJ L 248, 16.9.2002.
[45] OJ L 248, 16.9.2002.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 48 Obligations of Member States A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under Article 46.	Article 48 Obligations of Member States A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under Article 46.
CHAPTER IX MONITORING, EVALUATION AND REPORTS Article 49 Monitoring and evaluation 1. The Commission shall carry out regular monitoring on the Fund in cooperation with the Member States.	CHAPTER IX MONITORING, EVALUATION AND REPORTS Article 49 Monitoring and evaluation 1. The Commission shall carry out regular monitoring on the Fund in cooperation with the Member States.
2. The Fund shall be evaluated ***regularly*** by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the objectives referred to in Article 3.	2. The Fund shall be evaluated by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the objectives referred to in Article 3 ***in the context of the preparation for the report set out in Article 50(3)***.
	3. The Commission shall also look at complementarity between the actions implemented under the Fund and those pursued under other relevant Community policies, instruments and initiatives.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. ***The*** Commission shall assess ***by December 2011*** the impact of the Fund on the development of the policy and legislation on external border control, assess the synergies between the Fund and the tasks of the Agency as well as the appropriateness of the criteria established to allocate the funds between the Member States in light of the objectives pursued by the European Union in this area.	***4. As a part of the report for the period 2007-2010, referred to in Article 50(3)c), the*** Commission shall assess the impact of the Fund on the development of the policy and legislation on external border control, assess the synergies between the Fund and the tasks of the Agency as well as the appropriateness of the criteria established to allocate the funds between the Member States in light of the objectives pursued by the European Union in this area.
Article 50 ***Reports*** 1. In each Member State the responsible authority shall take the necessary measures to ensure project monitoring and evaluation. To that end, the agreements and contracts it concludes with the organisations responsible for the implementation of the actions shall include clauses laying down an obligation to submit regular and detailed reports on the state of progress of implementation and completion of the assigned objectives.	Article 50 ***Reporting Obligations*** 1. In each Member State the responsible authority shall take the necessary measures to ensure project monitoring and evaluation. To that end, the agreements and contracts it concludes with the organisations responsible for the implementation of the actions shall include clauses laying down an obligation to submit regular and detailed reports on the state of progress of implementation and completion of the assigned objectives, ***which shall be the basis for respectively the progress and final reports on the implementation of the annual programme.***
2. No later than nine months after the eligibility deadline for expenditure laid down in the co-financing decision for each annual programme, the responsible authority shall submit a final implementation report and a final declaration of expenditure to the Commission as provided by Article 35.	***deleted***

COMMISSION PROPOSAL	*COMPROMISE TEXT*
3. The Member States shall submit to the Commission:	***2.*** The Member States shall submit to the Commission:
(a) no later that 30 June 2010, an evaluation report on the implementation of actions co-financed by the Fund.	(a) no later that 30 June 2010, an evaluation report on the implementation of actions co-financed by the Fund.
(b) no later than 30 June 2012 (for the period 2007-2010) and 30 June 2015 (for the period 2011-2013) respectively, an evaluation report on the results and impact of actions co-financed by the Fund.	(b) no later than 30 June 2012 (for the period 2007-2010) and 30 June 2015 (for the period 2011-2013) respectively, an evaluation report on the results and impact of actions co-financed by the Fund.
4. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:	***3.*** The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:
(a) no later than 30 June ***2009,*** a report ***on the application of the criteria set out in*** Article ***15 for the annual breakdown of resources between member States;*** together with proposals for amendments if deemed necessary;	(a) no later than 30 June ***2010,*** a report ***to review*** Articles 15 ***and 15A,*** together with proposals for amendments if deemed necessary;
(b) no later than 31 December 2010, an intermediate report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund, together with a proposal on the Fund's future development;	(b) no later than 31 December 2010, an intermediate report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund, together with a proposal on the Fund's future development;
(c) no later than 31 December 2012 (for the period 2007-2010) and 31 December 2015 (for the period 2011-2013) respectively, an ex post evaluation report.	(c) no later than 31 December 2012 (for the period 2007-2010) and 31 December 2015 (for the period 2011-2013) respectively, an ex post evaluation report.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 51 Final annual report	Article 51 Final annual report ***on the implementation of the annual programme***
1. The reports ***referred to in Article 50(2)*** shall include the following information in order to obtain a clear view of the implementation of the ***annual and multiannual*** programmes:	1. The ***report*** shall include the following information in order to obtain a clear view of the implementation of the programme:
(a) the financial and operational implementation of the annual programme;	(a) the financial and operational implementation of the annual programme;
(b) the progress made in implementing the multiannual programme and its priorities in relation to their specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the ***physical indicators and the*** indicators ***of implementation, results and impact for each priority concerned***;	(b) the progress made in implementing the multiannual programme and its priorities in relation to their specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the ***indicators;***
(c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular:	(c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular:
− monitoring and evaluation measures, including data collection arrangements;	− monitoring and evaluation measures, including data collection arrangements;
− a summary of any significant problems encountered in implementing the operational programme and any measures taken;	− a summary of any significant problems encountered in implementing the operational programme and any measures taken;
− the use made of technical assistance.	− the use made of technical assistance.
(d) the measures taken to provide information on and make public the annual and multiannual programmes	(d) the measures taken to provide information on and make public the annual and multiannual programmes
2. The report***s*** shall be judged acceptable where ***they*** contain all the information listed in paragraph 1. The Commission shall reach a decision on the content of the ***annual*** report ***on implementation*** submitted by the responsible authority within two months. If the Commission does not respond within the time limit laid down, the report shall be deemed to be accepted. ***The Commission shall communicate to the Agency the approved implementation reports.***	2. The report shall be judged acceptable where ***it*** contains all the information listed in paragraph 1. The Commission shall reach a decision on the content of the report submitted by the responsible authority within two months ***of having received all the information referred to in paragraph 1, which shall be acknowledged to the Member States***. If the Commission does not respond within the time limit laid down, the report shall be deemed to be accepted.
	3. The Commission shall communicate to the Agency the approved final reports on the implementation of the annual programme.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	CHAPTER X (new) ***Transitional provisions*** ***Article 51A*** ***The preparation for the multi-annual programme*** ***1. By way of derogation from Article 19, Member States shall:***
	(a) as soon as possible after the entry into force of this Decision but no later than ~~[15 January~~1 March 2007, designate the national responsible authority referred to in Article 25, paragraph 1, point a), as well as, where appropriate, the delegated authority;
	(b) no later than 1 ~~April~~ May 2007, submit the description of the management and control systems referred to in Article 32, paragraph 2.
	2. By ~~30 April~~ 31 May 2007, the Commission shall provide Member States with:
	(a) an estimate of the amounts allocated to them for the financial year 2007;
	(b) estimates of the amounts to be allocated to them for the financial years 2008 – 2013, on the basis of an extrapolation of the calculation for the estimate for the financial year 2007, bearing in mind the proposed annual appropriations for the years 2007 – 2013 as set out by the financial perspectives.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
	Article 51B ***The preparation for the 2007 annual programme*** ***1. By way of derogation from Article 21, the following time table shall apply for implementation in the financial year 2007:***
	(a) By ~~30 April~~ 31 May 2007, the Commission shall provide Member States with an estimate of the amounts allocated to them for the financial year 2007;
	(b) By 1 ~~July~~ September 2007, Member States shall present the draft annual programme to the Commission.
	2. Expenditure actually disbursed between [1 January 2007] and the date on which the financing decision, approving the annual programme of the Member State in question is adopted, may qualify for support from the Fund.
	3. To allow for the adoption in 2008 of financing decisions, approving the annual programme for 2007, the Commission shall make the Community budgetary commitment for 2007 on the basis of the estimate of the amount to be allocated to the Member States, calculated as provided by Articles 15 and 15A.

COMMISSION PROPOSAL	*COMPROMISE TEXT*
CHAPTER X Final provisions Article 52 Committee	***CHAPTER XI*** Final provisions Article 52 Committee
1. The Commission shall be assisted by the common Committee "Solidarity and Management of Migration Flows", established by this Decision[46] ***("the "committee")***.	1. The Commission shall be assisted by the common Committee "Solidarity and Management of Migration Flows", established by the Decision ***establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' ../… (this Decision and the decisions ….., …… and …..)[47] ("the "committee")***.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
	3. Where reference is made to this paragraph, the regulatory procedure with scrutiny laid down in Article 5a(1) to (4) and 5 (b) and Article 7 of Council of Decision 1999/468/EC, ~~as amended by Decision 2006/512/EC~~ shall apply, having regard to the provisions of Article 8 thereof. ***The time-limits laid down in Article 5a (3c), (4b) and 4(e) of Council Decision 1999/468/EC shall be set at six weeks.***
3. The Committee shall adopt its Rules of Procedure.	***4***. The Committee shall adopt its Rules of Procedure.

[47] (References will be inserted to decisions establishing the ERF, the Integration Fund and the Return Fund).

COMMISSION PROPOSAL	*COMPROMISE TEXT*
Article 53 Review The European Parliament and the Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013 at the latest.	Article 53 Review The European Parliament and the Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013 at the latest.
	Article 53 A ***Entry into force*** ***This Decision shall enter into force on*** *the day* ~~*(or twenty days*~~ ***following its publication in the*** ~~*official*~~ *Official* ***Journal***~~*)*~~ *of the European Union*.
Article 54 This Decision shall apply from 1 January 2007.	Article 54 ***Application*** ~~This Decision shall apply~~ ***Articles 15, 15A, 19, 20, 22, 25, 31(2), 31(5), 32, 35(4) and 52 shall be applicable*** from 1 January 2007.
Article 55 Addressees This Decision is addressed to the Member States.	Article 55 Addressees This Decision is addressed to the Member States.