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WORKING PAPER

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INFORMATION

From:	General Secretariat of the Council
To:	Working Party on Combating Fraud
N° prev. doc.:	WK 9377/2020
N° Cion doc.:	9539/18 + ADD 1 (COM(2018) 386 final)
Subject:	EU Anti-Fraud Programme: updated 4-column table

Delegations will find attached an updated 4-column table of the EU Anti-Fraud Programme.

WK 13256/2020 INIT

LIMITE

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WORKING DOCUMENT

EU ANTI-FRAUD PROGRAMME

	Articles and recitals, object of the technical negotiation through written consultation, status after the GAF meeting on 24/6/2020 <i>4th column proposal in green: provisionally agreed (nothing is agreed until everything is agreed)</i> <i>4th column proposal in yellow: technical checking or redrafting needed</i> <i>4th column proposal in red: disagreement</i>
	<i>horizontal provisions that were bracketed previous to the political agreement on MFF reached on 10 November 2020</i>
	Two categories: 1) Articles and Recitals that will be submitted to negotiations only at political level; 2) no amendments from neither EP nor Council = COM text, in some cases modified by Council, then provisionally agreed.

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
1	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the EU Anti-Fraud Programme		Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the EU Anti-Fraud Programme	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the EU Anti-Fraud Programme
2	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
3	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 33 and 325 thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 33 and 325 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 33 and 325 thereof,
4	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
5	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,

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6	Having regard to the opinion of the Court of Auditors ¹ ,		Having regard to the opinion of the Court of Auditors ² ,	Having regard to the opinion of the Court of Auditors ³ ,
7	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
8	Whereas:		Whereas:	Whereas:
9	(1) Article 325 of the Treaty on the Functioning of the European Union requires the Union and the Member States to counter fraud, corruption and any other illegal activities affecting the financial interests of the Union. The Union should support activities in these fields.		(1) Article 325 of the Treaty on the Functioning of the European Union requires the Union and the Member States to counter fraud, corruption and any other illegal activities affecting the financial interests of the Union. The Union should support activities in these fields.	(1) Article 325 of the Treaty on the Functioning of the European Union requires the Union and the Member States to counter fraud, corruption and any other illegal activities affecting the financial interests of the Union. The Union should support activities in these fields.
10	(2) Past support for such activities through Decision No 804/2004/EC of the European Parliament and of the Council ⁴ ("Hercule programme"), amended and extended by Decision No 878/2007/EC of the European Parliament and of the Council ⁵ ("Hercule II programme"), repealed and replaced by Regulation No 250/2014 of the European Parliament		(2) Past support for such activities through Decision No 804/2004/EC of the European Parliament and of the Council ⁷ ("Hercule programme"), amended and extended by Decision No 878/2007/EC of the European Parliament and of the Council ⁸ ("Hercule II programme"), repealed and replaced by Regulation No 250/2014 of the European Parliament	(2) Past support for such activities through Decision No 804/2004/EC of the European Parliament and of the Council ¹⁰ ("Hercule programme"), amended and extended by Decision No 878/2007/EC of the European Parliament and of the Council ¹¹ ("Hercule II programme"), repealed and replaced by Regulation No 250/2014 of the European Parliament

¹ OJ C 10, 10.1.2019, p. 1.

² OJ C 10, 10.1.2019, p. 1.

³ OJ C 10, 10.1.2019, p. 1.

⁴ Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁵ Decision No 878/2007/EC of the European Parliament and of the Council of 23 July 2007 amending and extending Decision No 804/2004/EC establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule II programme) (OJ L 193, 25.7.2007, p. 18).

⁷ Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁸ Decision No 878/2007/EC of the European Parliament and of the Council of 23 July 2007 amending and extending Decision No 804/2004/EC establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule II programme) (OJ L 193, 25.7.2007, p. 18).

¹⁰ Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

¹¹ Decision No 878/2007/EC of the European Parliament and of the Council of 23 July 2007 amending and extending Decision No 804/2004/EC establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule II programme) (OJ L 193, 25.7.2007, p. 18).

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	and of the Council ⁶ ("Hercule III programme"), has made it possible to enhance the activities undertaken by the Union and the Member States in terms of countering fraud, corruption and any other illegal activities affecting the financial interests of the Union.		and of the Council ⁹ ("Hercule III programme"), has made it possible to enhance the activities undertaken by the Union and the Member States in terms of countering fraud, corruption and any other illegal activities affecting the financial interests of the Union.	and of the Council ¹² ("Hercule III programme"), has made it possible to enhance the activities undertaken by the Union and the Member States in terms of countering fraud, corruption and any other illegal activities affecting the financial interests of the Union.
11	(3) Supporting the reporting, by the Member States and candidate and potential candidate countries, of irregularities and fraud affecting the financial interests of the Union through the Irregularity Management System (IMS) is a requirement of sectorial legislation for the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development ¹³ , the European		(3) Supporting the reporting, by the Member States and candidate and potential candidate countries, of irregularities and fraud affecting the financial interests of the Union through the Irregularity Management System (IMS) is a requirement of sectorial legislation for the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development ¹⁸ , the European	(3) Supporting the reporting, by the Member States and candidate and potential candidate countries, of irregularities and fraud affecting the financial interests of the Union through the Irregularity Management System (IMS) is a requirement of sectorial legislation for the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development ²³ , the European

⁶ Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC (OJ L 84, 20.3.2014, p. 6).

⁹ Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC (OJ L 84, 20.3.2014, p. 6).

¹² Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC (OJ L 84, 20.3.2014, p. 6).

¹³ Commission Delegated Regulation (EU) 2015/1971 of 8 July 2015 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development and repealing Commission Regulation (EC) No 1848/2006 and Commission Implementing Regulation (EU) 2015/1975 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development, under Regulation (EU) No 1306/2013 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 6).

¹⁸ Commission Delegated Regulation (EU) 2015/1971 of 8 July 2015 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development and repealing Commission Regulation (EC) No 1848/2006 and Commission Implementing Regulation (EU) 2015/1975 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development, under Regulation (EU) No 1306/2013 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 6).

²³ Commission Delegated Regulation (EU) 2015/1971 of 8 July 2015 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development and repealing Commission Regulation (EC) No 1848/2006 and Commission Implementing Regulation (EU) 2015/1975 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development, under Regulation (EU) No 1306/2013 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 6).

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	Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund ¹⁴ , Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ¹⁵ , the Fund for European Aid to the Most Deprived ¹⁶ ,		Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund ¹⁹ , Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ²⁰ , the Fund for	Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund ²⁴ , Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ²⁵ , the Fund for

¹⁴ Commission Delegated Regulation (EU) 2015/1970 of 8 July 2015 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund and Commission Implementing Regulation (EU) 2015/1974 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, under Regulation (EU) No 1303/2013 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 1).

¹⁵ Commission Delegated Regulation (EU) 2015/1973 supplementing Regulation (EU) No 514/2014 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management; and Commission Implementing Regulation (EU) 2015/1977 setting out the frequency and the format of the reporting of irregularities concerning the Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, under Regulation (EU) No 514/2014 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 15).

¹⁶ Commission Delegated Regulation (EU) 2015/1972 of 8 July 2015 supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the Fund for European Aid to the Most Deprived and Commission Implementing Regulation (EU) 2015/1976 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the Fund for European Aid to the Most Deprived, under Regulation (EU) No 223/2014 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 11).

¹⁹ Commission Delegated Regulation (EU) 2015/1970 of 8 July 2015 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund and Commission Implementing Regulation (EU) 2015/1974 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, under Regulation (EU) No 1303/2013 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 1).

²⁰ Commission Delegated Regulation (EU) 2015/1973 supplementing Regulation (EU) No 514/2014 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management; and Commission Implementing Regulation (EU) 2015/1977 setting out the frequency and the format of the reporting of irregularities concerning the Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, under Regulation (EU) No 514/2014 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 15).

²⁴ Commission Delegated Regulation (EU) 2015/1970 of 8 July 2015 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund and Commission Implementing Regulation (EU) 2015/1974 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, under Regulation (EU) No 1303/2013 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 1).

²⁵ Commission Delegated Regulation (EU) 2015/1973 supplementing Regulation (EU) No 514/2014 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime,

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	as well as the pre-accession assistance ¹⁷ regarding the programming period 2014-2020 and onwards. IMS is a secure electronic communications tool which facilitates the Member States', as well as candidate and potential candidate countries' obligation to report detected irregularities and which supports the management and analysis of irregularities.		European Aid to the Most Deprived ²¹ , as well as the pre-accession assistance ²² regarding the programming period 2014-2020 and onwards. IMS is a secure electronic communications tool which facilitates the Member States', as well as candidate and potential candidate countries' obligation to report detected irregularities and which supports the management and analysis of irregularities.	European Aid to the Most Deprived ²⁶ , as well as the pre-accession assistance ²⁷ regarding the programming period 2014-2020 and onwards. IMS is a secure electronic communications tool which facilitates the Member States', as well as candidate and potential candidate countries' obligation to report detected irregularities and which supports the management and analysis of irregularities.
11.1		AMD 1: (3a) It is necessary to compensate for the diversity of the legal and administrative systems in the Member States in order to overcome irregularities and combat fraud. The fluctuation in the number of irregularities can be linked to the progression of the multiannual programming cycles and late reporting. All of this		<i>Covered by compromise proposal row 16.3</i>

and crisis management; and Commission Implementing Regulation (EU) 2015/1977 setting out the frequency and the format of the reporting of irregularities concerning the Asylum, Migration and Integration Fund and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, under Regulation (EU) No 514/2014 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 15).

¹⁷ Article 16 of Commission Implementing Regulation (EU) No 447/2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II) (OJ L 132, 3.5.2014, p. 32).

²¹ Commission Delegated Regulation (EU) 2015/1972 of 8 July 2015 supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the Fund for European Aid to the Most Deprived and Commission Implementing Regulation (EU) 2015/1976 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the Fund for European Aid to the Most Deprived, under Regulation (EU) No 223/2014 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 11).

²² Article 16 of Commission Implementing Regulation (EU) No 447/2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II) (OJ L 132, 3.5.2014, p. 32).

²⁶ Commission Delegated Regulation (EU) 2015/1972 of 8 July 2015 supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the Fund for European Aid to the Most Deprived and Commission Implementing Regulation (EU) 2015/1976 of 8 July 2015 setting out the frequency and the format of the reporting of irregularities concerning the Fund for European Aid to the Most Deprived, under Regulation (EU) No 223/2014 of the European Parliament and of the Council (OJ L 293, 10.11.2015, p. 11).

²⁷ Article 16 of Commission Implementing Regulation (EU) No 447/2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II) (OJ L 132, 3.5.2014, p. 32).

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		<p>requires the establishment of a uniform system for collecting data on irregularities and cases of fraud from the Member States in order to standardise the reporting process and ensure the quality and comparability of the data provided.</p> <p><i>Justification:</i> EP resolution of 3 May 2018 on the Annual Report 2016 on the protection of the EU's financial interests – Fight against fraud.</p>		
11.2		<p>AMD 2: (3b) The importance of the prevention activities of the Commission and the European Anti-Fraud Office (OLAF) is undisputable, as are the strengthening of implementation of the Early Detection and Exclusion System (EDES) and the Anti-Fraud Information System (AFIS) and the completion of the national anti-fraud strategies. In the context of those activities, it is necessary to draw up a framework for the digitalisation of all processes in the implementation of Union policies (including calls for proposals, application, evaluation, implementation and payments) to be applied by all Member States.</p> <p><i>Justification:</i> EP resolution of 3 May 2018 on the Annual Report 2016 on the protection of the EU's financial interests – Fight against fraud.</p>		<p>(3b) While the importance of the work carried out by the Commission in the context of fraud prevention is undisputable, the importance of, <u>inter alia</u> the implementation of the <u>Early Detection and Exclusion System (EDES) and the Anti-Fraud Information System (AFIS)</u>, as well as of anti-fraud strategies at national level should also be fully recognized.</p>

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12	(4) Council Regulation (EC) No 515/97 ²⁸ and Council Decision 2009/917/JHA ²⁹ provide that the Union is to support mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission, to ensure the correct application of the law on customs and agricultural matters.		(4) Council Regulation (EC) No 515/97 ³⁰ and Council Decision 2009/917/JHA ³¹ provide that the Union is to support mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission, to ensure the correct application of the law on customs and agricultural matters.	(4) Council Regulation (EC) No 515/97 ³² and Council Decision 2009/917/JHA ³³ provide that the Union is to support mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission, to ensure the correct application of the law on customs and agricultural matters.
13	(5) That support is provided to a number of operational activities. This includes the Anti-Fraud Information System (AFIS), an information technology platform which consists of a set of applications operated under a common information system managed by the Commission. IMS is also operated under the AFIS platform. Such a system requires stable and predictable financing over the years to ensure its sustainability.		(5) That support is provided to a number of operational activities. This includes the Anti-Fraud Information System (AFIS), an information technology platform which consists of a set of applications operated under a common information system managed by the Commission. IMS is also operated under the AFIS platform. Such a system requires stable and predictable financing over the years to ensure its sustainability.	(5) That support is provided to a number of operational activities. This includes the Anti-Fraud Information System (AFIS), an information technology platform which consists of a set of applications operated under a common information system managed by the Commission. IMS is also operated under the AFIS platform. Such a system requires stable and predictable financing over the years to ensure its sustainability.
14	(6) Union support in the fields of the protection of the financial interests of the Union, of irregularity reporting, and of mutual administrative assistance and cooperation in customs and agricultural matters should be streamlined under a single	AMD 3: (6) Union support in the fields of the protection of the financial interests of the Union, of irregularity reporting, and of mutual administrative assistance and cooperation in customs and agricultural matters should be streamlined under a single	(6) Union support in the fields of the protection of the financial interests of the Union, of irregularity reporting, and of mutual administrative assistance and cooperation in customs and agricultural matters should be streamlined under a single	Recital moved to row 16.1

²⁸ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, as lastly amended by Regulation 2015/1525 (OJ L 82, 22.3.1997, p. 1).

²⁹ Council Decision 2009/917/JHA on the use of information technology for customs purposes (OJ L 323/20, 10.12.2009, p. 20).

³⁰ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, as lastly amended by Regulation 2015/1525 (OJ L 82, 22.3.1997, p. 1).

³¹ Council Decision 2009/917/JHA on the use of information technology for customs purposes (OJ L 323/20, 10.12.2009, p. 20).

³² Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, as lastly amended by Regulation 2015/1525 (OJ L 82, 22.3.1997, p. 1).

³³ Council Decision 2009/917/JHA on the use of information technology for customs purposes (OJ L 323/20, 10.12.2009, p. 20).

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	programme, the EU Anti-Fraud Programme (the 'Programme'), with a view to increasing synergies and budgetary flexibility, and to simplifying management.	programme, the EU Anti-Fraud Programme (the 'Programme'), with a view to increasing synergies and budgetary flexibility, and to simplifying management without prejudice to an effective control by the co-legislators of the programme implementation.	programme, the EU Anti-Fraud Programme (the 'Programme'), with a view to increasing synergies and budgetary flexibility, and to simplifying management.	
15	(7) The Programme therefore combines a component along the lines of the Hercule programme, another component ensuring the financing of IMS, and a third one that finances the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform.		(7) The Programme therefore combines a component along the lines of the Hercule programme, another component ensuring the financing of IMS, and a third one that finances the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform.	Recital (7) is moved to row 16.2
15.1		AMD 4: (7a) The protection of the Union's financial interests should target all aspects of the Union budget, both on the revenue side and on the expenditure side. In this context, due consideration should be given to the fact that the Programme is the only one specifically to protect the expenditure side of the Union budget.		See row 16.4
16	(8) The AFIS platform includes several information systems, including the Customs Information System (CIS). The CIS is an automated information system which aims at assisting Member States in preventing, investigating and prosecuting operations which are in breach of customs or agricultural legislation, by increasing, through more rapid dissemination of information, the effectiveness of the cooperation and control procedures of their customs		(86) The AFIS platform includes several information systems, including the Customs Information System (CIS). The CIS is an automated information system which aims at assisting Member States in preventing, investigating and prosecuting operations which are in breach of customs or agricultural legislation, by increasing, through more rapid dissemination of information, the effectiveness of the cooperation and control procedures of their customs	(86) The AFIS platform includes several information systems, including the Customs Information System (CIS). The CIS is an automated information system which aims at assisting Member States in preventing, investigating and prosecuting operations which are in breach of customs or agricultural legislation, by increasing, through more rapid dissemination of information, the effectiveness of the cooperation and control procedures of their customs

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	<p>administrations. The CIS covers both administrative and police cooperation cases under a single infrastructure. For administrative cooperation purposes, the CIS is established by Regulation (EC) No 515/97, adopted on the basis of Articles 33 and 325 of the Treaty on the Functioning of the European Union. For police cooperation purposes, the CIS is established by Decision 2009/917/JHA, adopted on the basis of Articles 30(1)(a) and 34(2)(c) of the Treaty on the European Union. The police cooperation dimension of the CIS can technically not be dissociated from the administrative one as both aspects are operated under one single information technology system. Considering that the CIS itself is only one of several information systems run under AFIS and that the number of police cooperation cases is lower than the number of administrative cooperation cases in the CIS, the police cooperation dimension of AFIS is deemed accessory to its administrative one.</p>		<p>administrations. The CIS covers both administrative and police cooperation cases under a single infrastructure. For administrative cooperation purposes, the CIS is established by Regulation (EC) No 515/97, adopted on the basis of Articles 33 and 325 of the Treaty on the Functioning of the European Union. For police cooperation purposes, the CIS is established by Decision 2009/917/JHA, adopted on the basis of Articles 30(1)(a) and 34(2)(c) of the Treaty on the European Union. The police cooperation dimension of the CIS can technically not be dissociated from the administrative one as both aspects are operated under one single information technology system. Considering that the CIS itself is only one of several information systems run under AFIS and that the number of police cooperation cases is lower than the number of administrative cooperation cases in the CIS, the police cooperation dimension of AFIS is deemed accessory to its administrative one.</p>	<p>administrations. The CIS covers both administrative and police cooperation cases under a single infrastructure. For administrative cooperation purposes, the CIS is established by Regulation (EC) No 515/97, adopted on the basis of Articles 33 and 325 of the Treaty on the Functioning of the European Union. For police cooperation purposes, the CIS is established by Decision 2009/917/JHA, adopted on the basis of Articles 30(1)(a) and 34(2)(c) of the Treaty on the European Union. The police cooperation dimension of the CIS can technically not be dissociated from the administrative one as both aspects are operated under one single information technology system. Considering that the CIS itself is only one of several information systems run under AFIS and that the number of police cooperation cases is lower than the number of administrative cooperation cases in the CIS, the police cooperation dimension of AFIS is deemed accessory to its administrative one.</p>
16.1			<p>(7) Union support in the fields of the protection of the financial interests of the Union, of irregularity reporting, and of mutual administrative assistance and cooperation in customs and agricultural matters should be streamlined under a single programme, the EU Anti-Fraud Programme (the "Programme"), with a view to increasing synergies</p>	<p>From row 14. To be considered at political level because of EP AMD 3 (row 14)</p> <p>(7) Union support in the fields of the protection of the financial interests of the Union, of irregularity reporting, and of mutual administrative assistance and cooperation in customs and agricultural matters should be streamlined under a single programme, the EU Anti-Fraud</p>

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			and budgetary flexibility, and to simplifying management.	Programme (the "Programme"), with a view to increasing synergies and budgetary flexibility, and to simplifying management without prejudice to an effective control by the co-legislators of the programme implementation.
16.2			(8) The Programme therefore combines a component along the lines of the Hercule programme, another component ensuring the financing of IMS, and a third one that finances the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform.	From row 15 (8) The Programme therefore combines a component along the lines of the Hercule programme, another component ensuring the financing of IMS, and a third one that finances the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform.
16.3			(8a) This Regulation complies with the principles of added value and proportionality. The Anti-Fraud Programme should facilitate cooperation among the Member States and between the Commission and the Member States in order to protect the financial interests of the Union and ensure the correct application of the law on customs and agricultural matters, without impinging on Member States' responsibilities, and using resources more efficiently than could be done at national level. Action at Union level is necessary and justified as it clearly assists Member States in collectively protect the financial interests of the Union and encourages the use of common Union structures to increase cooperation and	(8a) This Regulation complies with the principles of added value and proportionality. The Programme should facilitate cooperation among administrative and law enforcement relevant authorities of the Member States and between the Member States, the Commission and other relevant Union bodies, including EPPO, where appropriate, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, in order to ensure a more effective protection of the financial interests of the Union as well as the correct application of the law on customs and agricultural matters, without impinging on Member States' responsibilities, and using resources more efficiently than could be done at national level. Action at Union level is necessary

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			information exchange between competent authorities.	<p>and justified as it clearly assists Member States in collectively protecting the financial interests of the Union and –It would encourage the use of common and coherent Union structures to increase cooperation and information exchange between competent authorities, as well as to collect while similarly enhancing the quality and comparability of data on irregularities and cases of fraud.</p> <p><i>COM proposal for last sentence</i> as well as to collect while supporting reporting of data on irregularities and cases of fraud.</p> <p><i>This compromise corresponds to CRP mandate recital 8a where EP AM 1 (row 11.1) and EP AM 10 (row 21.1) are partially included.</i></p>
16.4			(8b) In addition, supporting the protection of the financial interests of the Union should address all aspects of the Union’s budget, both on the income and expenditure sides. In this framework, due consideration should be given to the fact that the Programme is the only one supporting the expenditure side of the protection of the financial interests of the Union.	<p>(8b) In addition, supporting the protection of the financial interests of the Union should address all aspects of the Union’s budget, both on the revenue and expenditure sides. In this framework, due consideration should be given to the fact that the Programme is the only one to protect the expenditure side of the Union budget.</p> <p><i>Wording of CRP mandate recital (8a) is very similar to that of EP AM 4 (row 15.1) which is partially taken up in this compromise</i></p>
17	(9) This Regulation lays down a financial envelope for the entire duration of the Programme, which is to constitute the prime reference amount, within the		(9) This Regulation lays down a financial envelope for the entire duration of the Programme, which is to constitute the prime reference amount, within the	(9) This Regulation lays down a financial envelope for the entire duration of the Programme, which is to constitute the prime reference amount, within the

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
	<p>meaning of [reference to be updated as appropriate according to the new inter-institutional agreement: Point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management³⁴], for the European Parliament and the Council during the annual budgetary procedure.</p>		<p>meaning of [reference to be updated as appropriate according to the new interinstitutional agreement: Point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management³⁵], for the European Parliament and the Council during the annual budgetary procedure.</p>	<p>meaning of [reference to be updated as appropriate according to the new interinstitutional agreement: Point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management³⁶], for the European Parliament and the Council during the annual budgetary procedure.</p>
18	<p>(10) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 of the Treaty on the Functioning of the European Union also concern the protection of the</p>	<p>AMD 5: (10) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Contracts financed in whole or in part by the Union budget under the Programme are thus subject, inter alia, to the principles of</p>	<p>(10) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council³⁷ (the "Financial Regulation") and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. [Rules adopted on the basis of</p>	<p>(10) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council³⁸ (the "Financial Regulation") and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. [Rules adopted on the basis of Article 322 of the Treaty on the Functioning of the European Union also</p>

³⁴ Reference to be updated: OJ C 373, 20.12.2013, p. 1. The agreement is available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC.

³⁵ Reference to be updated: OJ C 373, 20.12.2013, p. 1. The agreement is available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC.

³⁶ Reference to be updated: OJ C 373, 20.12.2013, p. 1. The agreement is available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC.

³⁷ OJ L 193, 30.7.2018, p. 1.

³⁸ OJ L 193, 30.7.2018, p. 1.

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	<p>Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.</p>	<p>transparency, proportionality, equal treatment and non-discrimination, while grants are in addition subject to the principles of co-financing, non-cumulative award and no double financing, non-retroactivity and no-profit. Rules adopted on the basis of Article 322 of the Treaty on the Functioning of the European Union also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.</p> <p><i>Justification:</i> See Art. 160(1) of the Financial Rules (principles applicable to procurements and concessions) and Art. 188 of the FR (principles applicable to grants)</p>	<p>Article 322 of the Treaty on the Functioning of the European Union also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.]</p>	<p>concern include a general regime of conditionality for the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.]</p>
19	<p>(11) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.</p>		<p>(11) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.</p>	<p>(11) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.</p>
19.1		<p>AMD 6: (11a) The maximum rates for co-financing for grants under the</p>		<p>EP AM 6 is covered by compromise proposal in row 29.2</p>

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		<p>Programme should not exceed 80% of the eligible costs. In exceptional and duly justified cases, defined in the work programme, such as cases concerning Member States exposed to a high risk in relation to the financial interests of the Union, the maximum co-financing rate should be set at 90% of eligible costs.</p>		
20	<p>(12) In order to ensure continuity, under the Programme, in the financing of all the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform, Annex I provides an indicative list of the activities to be financed.</p>		<p>(12) In order to ensure continuity, under the Programme, in the financing of all the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform, Annex I provides an indicative list of the activities to be financed.</p>	<p>(12) In order to ensure continuity, under the Programme, in the financing of all the activities tasked to the Commission under Regulation (EC) No 515/97, including the AFIS platform, Annex I provides an indicative list of the activities to be financed.</p>
20.1		<p>AMD 7: (12a) The Commission should adopt the work programmes in accordance with Article 110 of the Financial Regulation. The work programmes should contain a description of the actions to be financed, an indication of the amount allocated to each action, an indicative implementation timetable and the maximum rate of co-financing for grants. When preparing the work programme, the Commission should take into account the European Parliament's priorities as expressed within the framework of its annual evaluation of the protection of the financial interests of the Union. The work programme should be published on the Commission's website and</p>		<p>For political trilogue</p>

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		transmitted to the European Parliament.		
20.2		AMD 8: (12b) Actions should be eligible on the basis of their ability to achieve the specific objectives of the Programme provided for in Article 2. These may include the provision of special technical assistance for the competent authorities of Member States, such as providing specific knowledge, specialised and technically advanced equipment and effective information technology (IT) tools; ensuring the necessary support and facilitating investigations, in particular the setting up of joint investigation teams and cross-border operations; or enhancing staff exchanges for specific projects. Moreover, eligible actions may also include the organisation of targeted specialised training, risk analysis workshops as well as, where appropriate, conferences and studies.		(12b) Actions should be eligible on the basis of their ability to achieve the specific objectives of the Programme provided for in Article 2. These may include in particular the provision of special technical assistance for the competent authorities of Member States, such as providing technical knowledge, specialised and technically advanced equipment and effective information technology (IT) tools; ensuring the necessary support and facilitating investigations, in particular the setting up of joint investigation teams and cross-border operations; or enhancing staff exchanges for specific projects. Moreover, eligible actions may also include the organisation of targeted specialised training, risk analysis workshops as well as, where appropriate, conferences and studies.
21	(13) The purchase of equipment through the Union instrument for financial support for customs control equipment ³⁹ may have a positive impact on the fight against fraud affecting the financial interests of the	AMD 9: (13) The purchase of equipment through the Union instrument for financial support for customs control equipment ⁴⁰ may have a positive impact on the fight against fraud affecting the financial interests of the	(13) The purchase of equipment through the Union instrument for financial support for customs control equipment ⁴¹ may have a positive impact on the fight against fraud affecting the financial interests of the	(13) The purchase of equipment through the Union instrument for financial support for customs control equipment⁴² may have a positive impact on the fight against fraud affecting the financial interests of the

³⁹ [ref]

⁴⁰ [ref]

⁴¹ [ref].

⁴² [ref]

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	<p>EU. There is a joint responsibility on the Union instrument for financial support for customs control equipment and the Programme to avoid any duplication in the Union support. The Programme should essentially target its support to the acquisition of types of equipment which do not fall under the scope of the Union instrument for financial support for customs control equipment, or equipment for which the beneficiaries are authorities other than the authorities targeted by the Union instrument for financial support for customs control equipment. Avoiding overlaps should be notably ensured in the context of the preparation of the annual work programmes.</p>	<p>EU. There is a joint responsibility on the Union instrument for financial support for customs control equipment and the Programme to avoid any duplication in the Union support. The Programme should essentially target its support to the acquisition of types of equipment which do not fall under the scope of the Union instrument for financial support for customs control equipment, or equipment for which the beneficiaries are authorities other than the authorities targeted by the Union instrument for financial support for customs control equipment. Moreover, there should be a clear link between the impact of the funded equipment and the protection of the financial interest of the Union. Avoiding overlaps as well as establishing synergies between the Programme and other relevant programmes in areas such as justice, customs, and home affairs should be notably ensured in the context of the preparation of the work programmes.</p> <p><i>Justification</i> <i>In line with ECA's observations in its Special Report 19/2017 "Import Procedures: Shortcomings in the Legal Framework and an Ineffective Implementation Impact the Financial Interests of the EU".</i></p>	<p>EU. There is a joint responsibility on the Union instrument for financial support for customs control equipment and the Programme to avoid any duplication in the Union support. The Programme should essentially target its support to the acquisition of types of equipment which do not fall under the scope of the Union instrument for financial support for customs control equipment, or equipment for which the beneficiaries are authorities other than the authorities targeted by the Union instrument for financial support for customs control equipment. Avoiding overlaps should be notably ensured in the context of the preparation of the annual work programmes.</p>	<p>EU. There is a joint responsibility on the Union instrument for financial support for customs control equipment and the Programme to avoid any duplication in the Union support. The Programme should essentially target its support to the acquisition of types of equipment which do not fall under the scope of the Union instrument for financial support for customs control equipment, or equipment for which the beneficiaries are authorities other than the authorities targeted by the Union instrument for financial support for customs control equipment. Moreover, it should be ensured that the funded equipment is appropriate to contribute to the protection of the financial interest of the Union.</p>
21.1		<p>AMD 10: (13a) The Programme supports cooperation between administrative and law enforcement authorities of the Member States and between the</p>		<p>EP AM 10 is integrated in compromise proposal in row 16.3</p>

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		<p>latter and the Commission, including OLAF, as well as other relevant Union bodies and agencies, such as the Agency for Criminal Justice Cooperation (Eurojust), the European Union Agency for Law Enforcement Cooperation (Europol), with a view to ensuring a more effective protection of the financial interests of the Union. It will also support cooperation with the European Public Prosecutor's Office (EPPO) in this regard, once that office assumes its tasks.</p>		
22	<p>(14) The Programme should be open to participation by countries of the European Free Trade Association (EFTA) which are members in the European Economic Area (EEA). It should also be open to participation by acceding countries, candidate countries and potential candidates, as well as countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements. The Programme should also be open to other third countries provided that they enter into a specific agreement covering their participation to Union programmes.</p>	<p>AMD 11:</p> <p>(14) The Programme should be open to participation by countries of the European Free Trade Association (EFTA) which are members in the European Economic Area (EEA). It should also be open to participation by acceding countries, candidate countries and potential candidates countries, as well as countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements. The Programme should also be open to other third countries provided that they have an association agreement or enter into a specific agreement covering their participation to Union programmes.</p>	<p>(14) The Programme should be open to participation by countries of the European Free Trade Association (EFTA) which are members in the European Economic Area (EEA). It should also be open to participation by acceding countries, candidate countries and potential candidates, as well as countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements. The Programme should also be open to other third countries provided that they enter into a specific agreement covering their participation to Union programmes.</p>	<p>(14) The Programme should be open to participation by countries of the European Free Trade Association (EFTA) which are members in the European Economic Area (EEA). It should also be open to participation by acceding countries, candidate countries and potential candidates, as well as countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements. The Programme should also be open to other third countries provided that they enter into a specific agreement covering their participation to Union programmes.</p>

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		<u>Justification</u> <i>A specific mention to third countries having an association agreement with the EU.</i>		
23	(15) Taking into account past evaluations of the Hercule programmes and in order to strengthen the Programme, the participation of legal entities established in a third country which is not associated to the Programme should be exceptionally possible without a need for those entities to bear the cost of their participation.		(15) Taking into account past evaluations of the Hercule programmes and in order to strengthen the Programme, the participation of legal entities established in a third country which is not associated to the Programme should be exceptionally possible without a need for those entities to bear the cost of their participation..	(15) Taking into account past evaluations of the Hercule programmes and in order to strengthen the Programme, the participation of legal entities established in a third country which is not associated to the Programme should be exceptionally possible without a need for those entities to bear the cost of their participation.
23.1		AMD 12: (15a) In particular, the participation of entities established in countries which have an association agreement in force with the Union should be encouraged, with a view to strengthening the protection of the financial interests of the Union through cooperation relating to customs and exchange of best practices, particularly as regards ways of combating fraud, corruption and other illegal activities affecting the financial interests of the Union and as regards facing challenges relating to new technological developments.		For political trilogue EP Compromise proposal: (15a) In particular, the participation of entities established in countries which have an association agreement in force with the Union should be encouraged, with a view to strengthening the protection of the financial interests of the Union through cooperation relating to customs and exchange of best practices, particularly as regards ways of combating fraud, corruption and other illegal activities affecting the financial interests of the Union and as regards facing challenges relating to new technological developments. The Programme should be open to the third countries, subject to conditions laid down in specific agreements between the Union the third country.
24	(16) The Programme should be implemented taking into account the recommendations and measures		(16) The Programme should be implemented taking into account the recommendations and measures	(16) The Programme should be implemented taking into account the recommendations and measures

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	listed in the Commission communication of 6 June 2013 entitled "Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products - A comprehensive EU Strategy" ⁴³ , as well as the progress report on the implementation of this communication of 12 May 2017 ⁴⁴ .		listed in the Commission communication of 6 June 2013 entitled "Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products - A comprehensive EU Strategy" ⁴⁵ , as well as the progress report on the implementation of this communication of 12 May 2017 ⁴⁶ .	listed in the Commission communication of 6 June 2013 entitled "Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products - A comprehensive EU Strategy" ⁴⁷ , as well as the progress report on the implementation of this communication of 12 May 2017 ⁴⁸ .
25	(17) The Union ratified the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation Framework Convention on Tobacco Control (the Protocol) in 2016. The Protocol should serve to protect the Union's financial interests insofar as it concerns the fight against cross-border illicit tobacco trade, which causes revenue losses. The Programme should support the Secretariat of the World Health Organisation Framework Convention on Tobacco Control in its functions related to the Protocol. It should also support other activities organised by the Secretariat in connection with the fight against illicit tobacco trade.		(17) The Union ratified the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation Framework Convention on Tobacco Control (the Protocol) in 2016. The Protocol should serve to protect the Union's financial interests insofar as it concerns the fight against cross-border illicit tobacco trade, which causes revenue losses. The Programme should support the Secretariat of the World Health Organisation Framework Convention on Tobacco Control in its functions related to the Protocol. It should also support other activities organised by the Secretariat in connection with the fight against illicit tobacco trade.	(17) The Union ratified the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation Framework Convention on Tobacco Control (the Protocol) in 2016. The Protocol should serve to protect the Union's financial interests insofar as it concerns the fight against cross-border illicit tobacco trade, which causes revenue losses. The Programme should support the Secretariat of the World Health Organisation Framework Convention on Tobacco Control in its functions related to the Protocol. It should also support other activities organised by the Secretariat in connection with the fight against illicit tobacco trade.

⁴³ COM(2013) 324 final.

⁴⁴ COM(2017) 235 final.

⁴⁵ COM(2013) 324 final.

⁴⁶ COM(2017) 235 final.

⁴⁷ COM(2013) 324 final.

⁴⁸ COM(2017) 235 final.

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26	(18) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁴⁹ , Council Regulation (Euratom, EC) No 2988/95 ⁵⁰ , Council Regulation (Euratom, EC) No 2185/96 ⁵¹ and Council Regulation (EU) 2017/1939 ⁵² , the financial interests of the Union are to be protected through proportionate		[(18) In accordance with Regulations (EU, Euratom) 2018/1046⁵⁴ (the "Financial Regulation"), Regulation and (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁵⁵ , and Council Regulations (Euratom, EC) No 2988/95 ⁵⁶ , Council Regulation (Euratom, EC) No 2185/96 ⁵⁷ and Council Regulation (EU) 2017/1939 ⁵⁸ , the financial interests of the Union are to be	{(18) In accordance with Regulations (EU, Euratom) 2018/1046⁶⁰ (the "Financial Regulation"), Regulation and (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁶¹ , and Council Regulations (Euratom, EC) No 2988/95 ⁶² , Council Regulation (Euratom, EC) No 2185/96 ⁶³ and Council Regulation (EU) 2017/1939 ⁶⁴ , the financial interests of the Union are to be

⁴⁹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1)

⁵⁰ OJ L 312, 23.12.1995, p. 1.

⁵¹ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁵² Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") (OJ L 283, 31.10.2017, p. 1).

⁵⁴ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁵⁵ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1)

⁵⁶ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

⁵⁷ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁵⁸ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") (OJ L 283, 31.10.2017, p. 1).

⁶⁰ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁶¹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1)

⁶² Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

⁶³ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁶⁴ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") (OJ L 283, 31.10.2017, p. 1).

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	<p>measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁵³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO</p>		<p>protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, the imposition of administrative sanctions penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (the "EPPO") may investigate and prosecute fraud and other criminal offences affecting against the financial interests of the Union, as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁵⁹. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the</p>	<p>protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, the imposition of administrative sanctions penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (the "EPPO") may investigate and prosecute fraud and other criminal offences affecting against the financial interests of the Union, as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁶⁵. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the</p>

⁵³ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

⁵⁹ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

⁶⁵ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

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	and the European Court of Auditors and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.		Union's financial interests of the Union, to grant the necessary rights and access to the Commission, OLAF, the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of Auditors (ECA), and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.]	Union's financial interests of the Union, to grant the necessary rights and access to the Commission, OLAF, the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of Auditors (ECA), and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights-]
27	(19) Third countries which are members of the EEA may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, OLAF as well as the European Court of Auditors to comprehensively exert their respective competences.		[(19) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA Agreement on the European Economic Area ⁶⁶ , which provides for the implementation of the programmes by a decision under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, OLAF as well as and the European Court of Auditors ECA to comprehensively exert their respective competences.]	[(19) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA Agreement on the European Economic Area ⁶⁷ , which provides for the implementation of the programmes by a decision under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, OLAF as well as and the European Court of Auditors ECA to comprehensively exert their respective competences-]
28	(20)		{20}	
29	(21) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of		(240) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of	(240) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of

⁶⁶ OJ L 1, 3.1.1994, p. 3.

⁶⁷ OJ L 1, 3.1.1994, p. 3.

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	Council Decision 2013/755/EU ^{68]} , persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.		Council Decision 2013/755/EU ^{69]} , persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.	Council Decision 2013/755/EU ^{70]} , persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.
29.1			(20a) In order to ensure uniform conditions for the implementation of the Anti-Fraud Programme, implementing powers should be conferred on the Commission. The Commission should adopt work programmes setting out among others the priorities and the evaluation criteria for the grants for actions.	For political trilogue
29.2			(20b) The maximum possible rate for co-financing for grants should be defined in the present Regulation.	(20b) The maximum possible rate for co-financing for grants should be defined in the present Regulation
30	(22) Pursuant to paragraph 22 and 23 of the Interinstitutional agreement for Better Law-Making of 13 April 2016 ⁷¹ , there is a need to evaluate this	AMD 13: (22) Pursuant to paragraph 22 and 23 of the Interinstitutional agreement for Better Law-Making of 13 April 2016 ⁷² , there is a need to evaluate this	(221) Pursuant to paragraphs 22 and 23 of the Interinstitutional agreement for	(221) Pursuant to paragraph 22 and 23 of the Interinstitutional agreement for Better Law-Making of 13 April 2016⁷⁴, there is a need to evaluate this Programme on the basis of

⁶⁸ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

⁶⁹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

⁷⁰ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

⁷¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

⁷² Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

⁷⁴ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

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	<p>Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.</p>	<p>Programme on the basis of information collected through specific reporting, namely on performance, monitoring and evaluation requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground. An independent evaluator should carry out the evaluation.</p> <p><i>Justification</i> <i>Alignment with the Interinstitutional agreement on Better Law making.</i></p>	<p>Better Law-Making of 13 April 2016⁷³, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.</p>	<p>information collected through specific reporting, namely on performance, monitoring and evaluation requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground. Evaluation should be carried out in a timely, independent and objective manner.</p> <p>EP proposed the following addition to the above-mentioned compromise proposal: <i>The independent evaluator should not be an external contractor and should not work under influence or pressure from the Commission.</i></p>
31	<p>(23) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to develop the provisions for a monitoring and evaluations framework of the Programme. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in</p>	<p>AMD 14: (23) In order to supplement this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to develop the provisions for a monitoring and evaluations framework of the Programme adopt the work programmes. In addition, in order to amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on</p>	<p>(232) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to develop the provisions for a monitoring and evaluations framework of the Programme. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in</p>	<p>For political trilogue</p>

⁷³ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

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	<p>accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p>the Functioning of the European Union should be delegated to the Commission as regards the indicators set out in Annex II to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p><i>Justification</i> <i>Alignment with the standard recital clause on delegated acts agreed in the Interinstitutional Agreement on Better Law making.</i></p>	<p>accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	
32	<p>(24) Article 42a(1) and (2) of Regulation (EC) No 515/97 provide for the legal basis for financing AFIS. This Regulation should replace that legal basis and provide for a new one. Article 42a(1) and (2) of Regulation (EC) No 515/97 should therefore be deleted.</p>		<p>(243) Article 42a(1) and (2) of Regulation (EC) No 515/97 provide for the legal basis for financing AFIS. This Regulation should replace that legal basis and provide for a new one. Article 42a(1) and (2) of Regulation (EC) No 515/97 should therefore be deleted.</p>	<p>(243) Article 42a(1) and (2) of Regulation (EC) No 515/97 provide for the legal basis for financing AFIS. This Regulation should replace that legal basis and provide for a new one. Article 42a(1) and (2) of Regulation (EC) No 515/97 should therefore be deleted.</p>
33	<p>(25) Regulation (EU) No 250/2014 establishing the Hercule III programme covered the period from 1 January 2014 to 31 December 2020. This Regulation provides for a</p>		<p>(24) Regulation (EU) No 250/2014 establishing the Hercule III programme covered the period from 1 January 2014 to 31 December 2020. This Regulation provides for a</p>	<p>(254) Regulation (EU) No 250/2014 establishing the Hercule III programme covered the period from 1 January 2014 to 31 December 2020. This Regulation provides for a</p>

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	follow-up to the Hercule III programme, starting from 1 January 2021. Regulation (EU) No 250/2014 should therefore be repealed,		follow-up to the Hercule III programme, starting from 1 January 2021. Regulation (EU) No 250/2014 should therefore be repealed,	follow-up to the Hercule III programme, starting from 1 January 2021. Regulation (EU) No 250/2014 should therefore be repealed,
34	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
35	CHAPTER I GENERAL PROVISIONS		CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS
36	<i>Article 1 Subject matter</i>		<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>
37	This Regulation establishes the EU Anti-Fraud Programme (the 'Programme').		This Regulation establishes the EU Anti-Fraud Programme (the "Programme").	This Regulation establishes the EU Anti-Fraud Programme (the "Programme"), for the period from 1 January 2021 to 31 December 2027.
38	It lays down the objectives of the Programme, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.		It lays down the objectives of the Programme, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.	It lays down the objectives of the Programme, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.
39	<i>Article 2 Programme objectives</i>		<i>Article 2 Programme objectives</i>	<i>Article 2 Programme objectives</i>
40	1. The Programme has the following general objectives:		1. The Programme has the following general objectives:	1. The Programme has the following general objectives:
41	(a) the protection of the financial interests of the Union.		(a) the protection of the financial interests of the Union.	(a) the protection of the financial interests of the Union.
42	(b) support to mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.		(b) support to mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.	(b) support to mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.
43	2. The Programme has the following specific objectives:		2. The Programme has the following specific objectives:	2. The Programme has the following specific objectives:
44	(a) preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the European Union.		(a) preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the European Union.	(a) preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the European Union.

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45	(b) supporting the reporting of irregularities, including fraud, with regard to the shared management and pre-accession assistance funds of the Union budget.		(b) supporting the reporting of irregularities, including fraud, with regard to the shared management and pre-accession assistance funds of the Union budget.	(b) supporting the reporting of irregularities, including fraud, with regard to the shared management and pre-accession assistance funds of the Union budget.
46	(c) providing tools for information exchange and support for operational activities in the field of mutual administrative assistance in customs and agricultural matters.		(c) providing tools for information exchange and support for operational activities in the field of mutual administrative assistance in customs and agricultural matters.	(c) providing tools for information exchange and support for operational activities in the field of mutual administrative assistance in customs and agricultural matters.
47	Article 3 Budget		Article 3 Budget	Article 3 Budget
48	1. The financial envelope for the implementation of the Programme for the period 2021–2027 shall be EUR 181.207 million in current prices.	AMD 15: 1. The financial envelope for the implementation of the Programme for the period 2021–2027 shall be EUR 321 314 000 in 2018 prices (EUR 181.207 million 362 414 000 in current prices). <i>Justification</i> <i>In line with the decision of the Conference of Presidents of 13 September 2018, this amendment reflects the figures contained in the interim report on the MFF 2021-2027 adopted by the Plenary on 14 November 2018.</i>	1. The financial envelope for the implementation of the Programme for the period 2021–2027 shall be [EUR 181.207 million] in [current] prices.	1. The financial envelope for the implementation of the Programme for the period 2021–2027 shall be [EUR 181.207 million] in [current] prices.
49	2. The indicative distribution of the amount referred to in paragraph 1 shall be:		2. The indicative distribution of the amount referred to in paragraph 1 shall be:	2. The indicative distribution of the amount referred to in paragraph 1 shall be:
50	(a) EUR 114.207 million for the objective referred to in Article 2(2)(a);	AMD 16: (a) EUR 114.207 million 202 512 000 in 2018 prices (EUR 228 414 000 in current prices) for the objective referred to in Article 2(2)(a);	(a) EUR [114.207 million] for the objective referred to in Article 2(2)(a);	(a) EUR [114.207 million] for the objective referred to in Article 2(2)(a);
51		AMD 17:		

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	(b) EUR 7 million for the objective referred to in Article 2(2)(b);	(b) EUR 12 412 000 in 2018 prices (EUR 714 million in current prices) for the objective referred to in Article 2(2)(b);	(b) EUR [7 million] for the objective referred to in Article 2(2)(b);	(b) EUR [7 million] for the objective referred to in Article 2(2)(b);
52	(c) EUR 60 million for the objective referred to in Article 2(2)(c).	AMD 18: (c) EUR 106 390 000 in 2018 prices (EUR 60120 million in current prices) for the objective referred to in Article 2(2)(c).	(c) EUR [60 million] for the objective referred to in Article 2(2)(c).	(c) EUR [60 million] for the objective referred to in Article 2(2)(c).
52.1		AMD 19: 2a. The Commission shall be empowered to reallocate funds between the objectives set out in Article 2(2). If a reallocation involves the change by 10 % or more of one of the amounts set out in paragraph 2 of this Article, the reallocation shall be done by way of a delegated act adopted in accordance with Article 14.		For political trilogue
53	3. The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems.	AMD 20: 3. The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems. Moreover, the indicative allocation in point (a) of paragraph 2 takes due account of the fact that the Programme is the only one of its kind addressing the expenditure side of the protection of the financial interests of the Union.	3. Up to 2% of t The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems.	For political trilogue

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54	<i>Article 4</i> Third countries associated to the Programme		[<i>Article 4</i> Third countries associated to the Programme	[<i>Article 4</i> Third countries associated to the Programme
55	The Programme shall be open to the following third countries:		The Programme shall be open to the following third countries:	The Programme shall be open to the following third countries:
56	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;		(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;
57	(b) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;		(b) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;	(b) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
58	(c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;		(c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;	(c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
59	(d) other third countries, in accordance with the conditions laid down in a		(d) other third countries, in accordance with the conditions laid down in a	(d) other third countries, in accordance with the conditions laid down in a

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
	specific agreement covering the participation of the third country to any Union programme, provided that the agreement:		specific agreement covering the participation of the third country to any Union programme, provided that the agreement:	specific agreement covering the participation of the third country to any Union programme, provided that the agreement:
60	(a) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;	AMD 21: (a) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes; <i>Justification</i> <i>Content covered in the remaining points of the same paragraph.</i>	(a) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;	(a)(i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
61	(b) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;		(b) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;	(b)(ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;
62	(c) does not confer to the third country a decisional power on the programmes;		(c) does not confer to the third country a decisional power on the programmes;	(c)(iii) does not confer to the third country a decisional power in respect of on the programmes;
63	(d) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.		(d) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.]	(d)(iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.]
64	<i>Article 5</i> Implementation and forms of Union funding		<i>Article 5</i> Implementation and forms of Union funding	<i>Article 5</i> Implementation and forms of Union funding
65	1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article 62(1)(c) of the Financial Regulation.		1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article 62(1)(c) of the Financial Regulation.	1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article 62(1)(c) of the Financial Regulation.

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
66	2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants and procurement, as well as the reimbursement of travel and subsistence expenses as provided for by Article 238 of the Financial Regulation.	<p>AMD 22:</p> <p>2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants in accordance with Title VIII and procurement in accordance with Title VII, as well as the reimbursement of travel and subsistence expenses as provided for by Article 238 of the Financial Regulation.</p> <p><i>Justification</i> Include references to the Financial Regulation.</p>	2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants and procurement, as well as the reimbursement of travel and subsistence expenses as provided for by Article 238 of the Financial Regulation.	2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants and procurement, as well as the reimbursement of travel and subsistence expenses as provided for by Article 238 of the Financial Regulation.
67	3. The Programme may provide funding for actions carried out in accordance with Regulation (EC) No 515/97, in particular to cover the types of costs referred to in the indicative list in Annex I.		3. The Programme may provide funding for actions carried out in accordance with Regulation (EC) No 515/97, in particular to cover the types of costs referred to in the indicative list in Annex I.	3. The Programme may provide funding for actions carried out in accordance with Regulation (EC) No 515/97, in particular to cover the types of costs referred to in the indicative list in Annex I.
68	4. When the action supported involves the acquisition of equipment, the Commission shall, where appropriate, set up a coordination mechanism ensuring efficiency and interoperability between all the equipment purchased with the support of Union Programmes.		4. When the action supported involves the acquisition of equipment, the Commission shall, where appropriate, set up a coordination mechanism ensuring efficiency and interoperability between all the equipment purchased with the support of Union Programmes.	4. When the action supported involves the acquisition of equipment, the Commission shall, where appropriate, set up a coordination mechanism ensuring efficiency and interoperability between all the equipment purchased with the support of Union Programmes.
69	<p><i>Article 6</i></p> <p>Protection of the financial interests of the Union</p>		<p><i>[Article 6</i></p> <p>Protection of the financial interests of the Union</p>	<p><i>Article 6</i></p> <p>Protection of the financial interests of the Union</p>
70	Where a third country participates in the Programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, the European Anti-Fraud Office, and the European		Where a third country participates in the Programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, the European Anti-Fraud Office OLAF ; and the	Where a third country participates in the Programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, the European Anti-Fraud Office OLAF ; and the

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	Court of Auditors to comprehensively exert their respective competences. In the case of the European Anti-Fraud Office, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office.		European Court of Auditors ECA to comprehensively exert their respective competences. In the case of the European Anti-Fraud Office OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office.]	European Court of Auditors ECA to comprehensively exert their respective competences. In the case of the European Anti-Fraud Office OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office.]
71	CHAPTER II GRANTS	AMD 23: CHAPTER II GRANTS	CHAPTER II GRANTS	CHAPTER II GRANTS EP: if it is agreed that this chapter only covers grants, EP could agree with keeping the heading. However, in this case the COM should explain who shall be eligible entities for other forms of funding under Art 5(2).
72	<i>Article 7</i>		<i>Article 7 Grants</i>	<i>Article 7 Grants</i>
73	Grants under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.	AMD 24: The co-financing rate for gGrants awarded under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation not exceed 80 % of the eligible costs. In exceptional and duly justified cases, defined in the work programmes referred to in Article 10, the co-financing rate shall not exceed 90 % of the eligible costs.	Grants under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.	Grants under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.
73.1			<i>Article 7a Co-financing</i>	<i>Article 7a Co-financing</i>
73.2			The co-financing rate for grants awarded under the Programme shall	The co-financing rate for grants awarded under the Programme shall

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			not exceed 80% of the eligible costs. Any funding in excess of that ceiling shall only be granted in exceptional and duly justified cases, defined in the work programmes referred to in Article 10, and shall not exceed 90% of the eligible costs.	not exceed 80% of the eligible costs. Any funding in excess of that ceiling shall only be granted in exceptional and duly justified cases, defined in the work programmes referred to in Article 10, and shall not exceed 90% of the eligible costs. <i>COM:</i> The current proposal took advantage of the fact that the Financial Regulation no longer requires that co-financing rates are defined in the basic acts, and did not fix such rates in order to provide for the maximum flexibility of the programme. This is a horizontal issue across proposals, where the maximum flexibility should be maintained. At the same time, the rates proposed (both by the EP and the Council) are those currently applicable in the Hercule III programme.
74	Article 8 Eligible actions		Article 8 Eligible actions	Article 8 Eligible actions
75	Only actions implementing the objectives referred to in Article 2 shall be eligible for funding.	AMD 25: Only The following actions implementing the objectives referred to in Article 2 shall be eligible for funding: <u>Justification</u> A more detailed description of the eligible actions should be included in the article.	Only actions implementing the objectives referred to in Article 2 shall be eligible for funding.	Only actions implementing the objectives referred to in Article 2 shall be eligible for funding. For political trilogue <u>Possible compromise following last proposal from EP:</u> Without prejudging to any other action provided by the work programmes under Article 10, the possibility for a wider and more flexible range of eligible actions, in particular the following actions shall may be considered eligible for funding:
75.1		(a) providing technical knowledge, specialised and technically advanced equipment and effective IT tools enhancing transnational		<u>EP compromise proposal:</u> (a) providing technical knowledge, specialised and technically advanced equipment and effective

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
		and multidisciplinary cooperation and cooperation with the Commission;		IT tools enhancing transnational and multidisciplinary cooperation and cooperation with the Commission;
75.2		(b) enhancing staff exchanges for specific projects, ensuring the necessary support and facilitating investigations, in particular the setting up of joint investigation teams and cross border operations;		EP compromise proposal: (b) enhancing staff exchanges for specific projects, ensuring the necessary support and facilitating investigations, in particular the setting up of joint investigation teams and cross border operations;
75.3		(c) providing technical and operational support to national investigations, in particular to customs and law enforcement authorities to strengthen the fight against fraud and other illegal activities;		EP compromise proposal: (c) providing technical and operational support to national investigations, in particular to customs and law enforcement authorities to strengthen the fight against fraud and other illegal activities;
75.4		(d) building IT capacity throughout the Member States and third countries, increasing data exchange, and developing and providing IT tools for investigation and monitoring of intelligence work;		EP compromise proposal: (d) building IT capacity throughout the Member States and third countries, increasing data exchange, and developing and providing IT tools for investigation and monitoring of intelligence work;
75.5		(e) organising specialised training, risk analysis workshops, conferences and studies aimed at improving cooperation and coordination among services concerned with the protection of the financial interests of the Union;		EP compromise proposal: (e) organising specialised training, risk analysis workshops, conferences and studies aimed at improving cooperation and coordination among services concerned with the protection of the financial interests of the Union;
75.6		(f) financing a set of IT applications related to customs and operated under a common information system managed by the		EP AM 25 letter (f) is taken out

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
		Commission, built to perform tasks entrusted to the Commission by Council Regulation (EC) No 515/97 ⁷⁵ ;		
75.7		(g) financing a secure electronic communications tool to facilitate the Member States' obligation to report detected irregularities, including fraud, and which supports the management and analyses of those;		EP AM 25 letter (g) is taken out
75.8		(h) any other action, provided by the work programmes under Article 10, which is necessary for attaining the general and specific objectives provided for in Article 2.		EP compromise proposal: (f) any other action, provided by the work programmes under Article 10, which is necessary for attaining the general and specific objectives provided for in Article 2.
75.9		AMD 26: When the action supported involves the acquisition of equipment, the Commission shall ensure that the funded equipment contributes to the protection of the financial interest of the Union. <u>Justification</u> <i>In line with ECA's observations in its SR No 19/2017 "Import Procedures: Shortcomings in the Legal Framework and an Ineffective Implementation Impact the Financial Interests of the EU"</i>		When the action supported involves the acquisition of equipment, the Commission shall ensure that the funded equipment is appropriate to contributes to the protection of the financial interest of the Union.
76	Article 9 Eligible entities		Article 9 Eligible entities	Article 9 Eligible entities
77	1. The eligibility criteria set out in paragraph 2 shall apply in addition to the criteria set out in Article 197 of the Financial Regulation.		1. The eligibility criteria set out in paragraph 2 shall apply in addition to the criteria set out in Article 197 of the Financial Regulation.	1. The eligibility criteria set out in paragraph 2 shall apply in addition to the criteria set out in Article 197 of the Financial Regulation.

⁷⁵ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

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78	2. The following entities are eligible:		2. The following entities are eligible:	2. The following entities are eligible:
79	(a) public authorities which may contribute to achieving one of the objectives referred to in Article 2 and are established in any of the following countries:		(a) public authorities which may contribute to achieving one of the objectives referred to in Article 2 and are established in any of the following countries:	(a) public authorities which may contribute to achieving one of the objectives referred to in Article 2 and are established in any of the following countries:
80	(a) a Member State or an overseas country or territory linked to it;		(a) a Member State or an overseas country or territory linked to it;	(a) a Member State or an overseas country or territory linked to it;
81	(b) a third country associated to the Programme;		(b) a third country associated to the Programme;	(b) a third country associated to the Programme;
82	(c) a third country listed in the work programme under the conditions specified in paragraph 3.		(c) a third country listed in the work programme under the conditions specified in paragraph 3.	(c) a third country listed in the work programme under the conditions specified in paragraph 3.
83	(b) research and educational institutes and non-profit-making entities which may contribute to the achievement of the objectives referred to in Article 2, provided that they have been established and have been operating for at least one year in a Member State, or a third country associated to the Programme, or a third country listed in a work programme under the conditions specified in paragraph 3.		(b) research and educational institutes and non-profit-making entities which may contribute to the achievement of the objectives referred to in Article 2, provided that they have been established and have been operating for at least one year in a Member State, or a third country associated to the Programme, or a third country listed in a work programme under the conditions specified in paragraph 3.	(b) research and educational institutes and non-profit-making entities which may contribute to the achievement of the objectives referred to in Article 2, provided that they have been established and have been operating for at least one year in a Member State, or a third country associated to the Programme, or a third country listed in a work programme under the conditions specified in paragraph 3.
84	(c) any legal entity created under Union law or any international organisation.	AMD 27: (c) any legal entity created under Union law or any international organisation, as defined in Article 156 of the Financial Regulation. <i>Justification</i> Include reference to the Financial Regulation.	(c) any legal entity created under Union law or any international organisation.	(c) any legal entity created under Union law or any international organisation.

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85	3. Entities referred to in paragraph 2 established in a third country which is not associated to the Programme are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.		3. Entities referred to in paragraph 2 established in a third country which is not associated to the Programme are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.	3. Entities referred to in paragraph 2 established in a third country which is not associated to the Programme are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.
86	4. Entities referred to in paragraph 2 established in a third country which is not associated to the programme should in principle bear the cost of their participation.		4. Entities referred to in paragraph 23 established in a third country which is not associated to the programme should shall in principle bear the cost of their participation, except in cases duly justified in the work programme.	For political trilogue because of the reference to the work programme 4. Entities referred to in paragraph 23 established in a third country which is not associated to the programme should shall in principle bear the cost of their participation, except in cases duly justified in the work programme.
87	CHAPTER III PROGRAMMING, MONITORING, AND EVALUATION		CHAPTER III PROGRAMMING, MONITORING, AND EVALUATION	CHAPTER III PROGRAMMING, MONITORING, AND EVALUATION
88	<i>Article 10 Work programme</i>		<i>Article 10 Work programme</i>	For political trilogue <i>Article 10 Work programme</i>
89	The Programme shall be implemented by work programmes referred to in Article 110 of the Financial Regulation.		In order to implement t The Programme, the Commission shall be implemented by adopt work programmes referred to in Article 110 of the Financial Regulation.	In order to implement t The Programme, the Commission shall be implemented by adopt work programmes referred to in Article 110 of the Financial Regulation.
89.1		AMD 28: The work programmes shall be adopted by the Commission by means of delegated acts in accordance with Article 14.		For political trilogue
89.2		AMD 29: The Commission shall explore synergies between the Programme and other relevant programmes in areas such as Justice, Customs, and		For political trilogue

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		Home Affairs and make sure that overlaps are avoided in the context of the preparation of the work programmes.		
89.3		AMD 30: The work programmes shall be published on the Commission's website and transmitted to the European Parliament, which shall assess their content and outcomes within the framework of the annual evaluation of the protection of financial interests of the Union.		For political trilogue
90	<i>Article 11</i> Monitoring and reporting		<i>Article 11</i> Monitoring and reporting	<i>Article 11</i> Monitoring and reporting
91	1. Indicators to report on progress of the Programme towards the achievement of the general and specific objectives set out in Article 2 are set in Annex II.		1. Indicators to report on progress of the Programme towards the achievement of the general and specific objectives set out in Article 2 are set in Annex II.	1. Indicators to report on progress of the Programme towards the achievement of the general and specific objectives set out in Article 2 are set in Annex II.
92	2. To ensure effective assessment of progress of the Programme towards the achievement of its objectives, the Commission is empowered to adopt delegated acts, in accordance with Article 14, to amend Annex II to review or complement the indicators where considered necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.	AMD 31: 2. To ensure effective assessment of progress of the Programme towards the achievement of its objectives, the Commission is empowered to adopt delegated acts, in accordance with Article 14, to amend Annex II to review or complement the indicators where considered necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework. <i>Justification</i> The referred framework does not exist for the time being.	2. To ensure effective assessment of progress of the Programme towards the achievement of its objectives, the Commission is empowered to adopt delegated acts, in accordance with Article 14, to amend Annex II to review or complement the indicators where considered necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.	For political trilogue
92.1		AMD 32: 2a. The Commission shall submit an annual report on the performance		The Commission shall report on the performance of the programme annually to the European

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		of the programme to the European Parliament and to the Council.		Parliament and to the Council in the framework of the PIF report.
93	3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, on the Member States.		3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, on the Member States.	3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, on the Member States.
94	<i>Article 12 Evaluation</i>		<i>Article 12 Evaluation</i>	<i>Article 12 Evaluation</i>
95	§1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.	AMD 33: 1. Evaluations shall be carried out in a timely manner by an independent evaluator to feed into the decision-making process.	1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.	EP compromise proposal: 1. Evaluations shall be carried out in a timely manner by an independent evaluator, who shall carry out its tasks without influence or pressure from the Commission, to feed into the decision-making process. COM does not support this wording and will propose an alternative drafting suggestion
96	2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the programme implementation.		2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the programme implementation.	2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the programme implementation
97	3. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.	AMD 34: 3. At the end of the implementation of the Programme, but no later than four three years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.	3. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.	3. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.

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		<i>Justification</i> <i>Evaluation of the Programme after three years.</i>		
98	4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, and the European Court of Auditors.	AMD 35: 4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, and the European Court of Auditors, and publish them on the Commission's website.	4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, and the European Court of Auditors.	4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, and the European Court of Auditors, and publish them on the Commission's website.
99	<i>Article 13</i> Delegation of power		<i>Article 13</i> Delegation of power	<i>Article 13</i> Delegation of power
100	The Commission is empowered to adopt delegated acts in accordance with Article 14 to develop the provisions for a monitoring and evaluations framework as provided for in Article 11.	AMD 44: The Commission is empowered to adopt delegated acts in accordance with Article 14 to develop the provisions for a monitoring and evaluations framework adopt the work programmes as provided for in Article 14 and to amend the indicators set out in Annex II to this Regulation.	The Commission is empowered to adopt delegated acts in accordance with Article 14 to develop the provisions for a monitoring and evaluations framework as provided for in Article 11.	For political trilogue
101	<i>Article 14</i> Exercise of the delegation		<i>Article 14</i> Exercise of the delegation	<i>Article 14</i> Exercise of the delegation
102	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
103	2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission until 31 December 2028.		2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission until 31 December 2028.	2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission until 31 December 2028.
104	3. The delegation of power referred to in Article 13 may be revoked at any time		3. The delegation of power referred to in Article 13 may be revoked at any time	3. The delegation of power referred to in Article 13 may be revoked at any time

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	by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
105	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
106	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
106.1		AMD 36: 5a. A delegated act adopted pursuant to Articles 10 and 13 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		For political trilogue because of the reference to article 10 5a. A delegated act adopted pursuant to Articles 10 and 13 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
		<u>Justification</u> Standard clause missing in the proposal.		European Parliament or of the Council.
107	CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS		CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS	CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS
108	<i>Article 15</i> Information, communication and publicity		<i>Article 15</i> Information, communication and publicity	<i>Article 15</i> Information, communication and publicity
109	1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public. Acknowledging the origin, and ensuring visibility, of the Union funding shall not be required where there is a risk of compromising the effective performance of anti-fraud and customs operational activities.	AMD 37: 1. The recipients of Union funding shall acknowledge the origin and ensure the maximum visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public. Acknowledging the origin, and ensuring visibility, of the Union funding shall not be required where there is a risk of compromising the effective performance of anti-fraud and customs operational activities.	1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public. Acknowledging the origin, and ensuring visibility, of the Union funding shall not be required where there is a risk of compromising the effective performance of anti-fraud and customs operational activities.	1. The recipients of Union funding shall acknowledge the origin and ensure the appropriate visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public. Acknowledging the origin, and ensuring visibility, of the Union funding shall not be required where there is a risk of compromising the effective performance of anti-fraud and customs operational activities.
110	2. The Commission shall implement information and communication actions relating to the Programme, and its actions and results. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 2.	AMD 38: 2. The Commission shall regularly implement information and communication actions relating to the Programme, and its actions and results. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 2.	2. The Commission shall implement information and communication actions relating to the Programme, and its actions and results. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 2.	2. The Commission shall on a regular basis implement information and communication actions relating to the Programme, and its actions and results especially where publication of these results can have a deterrent effect. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 2.

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111	<i>Article 16</i> Amendment of Regulation (EC) No 515/97		<i>Article 16</i> Amendment of Regulation (EC) No 515/97	<i>Article 16</i> Amendment of Regulation (EC) No 515/97
112	In Article 42a of Regulation (EC) No 515/97, paragraphs 1 and 2 are deleted.		In Article 42a of Regulation (EC) No 515/97, paragraphs 1 and 2 are deleted.	In Article 42a of Regulation (EC) No 515/97, paragraphs 1 and 2 are deleted.
113	<i>Article 17</i> Repeal		<i>Article 17</i> Repeal	<i>Article 17</i> Repeal
114	3. Regulation 250/2014 is repealed with effect from 1 January 2021.		3. Regulation 250/2014 is repealed with effect from 1 January 2021.	3. Regulation 250/2014 is repealed with effect from 1 January 2021.
115	<i>Article 18</i> Transitional provisions		<i>Article 18</i> Transitional provisions	<i>Article 18</i> Transitional provisions
116	1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulation 250/2014 and under Article 42a of Regulation (EC) No 515/97, which shall continue to apply to the actions concerned until their closure.		1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulation 250/2014 and under Article 42a of Regulation (EC) No 515/97, which shall continue to apply to the actions concerned until their closure.	1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulation 250/2014 and under Article 42a of Regulation (EC) No 515/97, which shall continue to apply to the actions concerned until their closure.
117	2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under Regulation 250/2014 and under Article 42a of Regulation (EC) No 515/97.		2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under Regulation 250/2014 and under Article 42a of Regulation (EC) No 515/97.	2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under Regulation 250/2014 and under Article 42a of Regulation (EC) No 515/97.
118	<i>Article 19</i> Entry into force		<i>Article 19</i> Entry into force	<i>Article 19</i> Entry into force
119	This Regulation shall enter into force on the [twentieth] day following that of its publication in the <i>Official Journal of the European Union</i> .		This Regulation shall enter into force on the [twentieth] day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the [twentieth] day following that of its publication in the <i>Official Journal of the European Union</i> .
120	It shall apply from 1 January 2021.		It shall apply from 1 January 2021.	It shall apply from 1 January 2021.

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
121	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
122	Done at Brussels,		Done at Brussels,	Done at Brussels,
123	<i>For the European Parliament The President For the Council The President</i>		<i>For the European Parliament The President For the Council The President</i>	<i>For the European Parliament The President For the Council The President</i>
124	ANNEX I		ANNEX I	ANNEX I
125	Indicative list of the types of costs that the Programme will fund for actions carried out in accordance with Regulation (EC) No 515/97:		Indicative list of the types of costs that the Programme will fund for actions carried out in accordance with Regulation (EC) No 515/97:	Indicative list of the types of costs that the Programme will fund for actions carried out in accordance with Regulation (EC) No 515/97:
126	(a) all costs of installing and maintaining the permanent technical infrastructure making available to the Member States the logistical, office automation and IT resources to coordinate joint customs operations and other operational activities;		(a) all costs of installing and maintaining the permanent technical infrastructure making available to the Member States the logistical, office automation and IT resources to coordinate joint customs operations and other operational activities;	(a) all costs of installing and maintaining the permanent technical infrastructure making available to the Member States the logistical, office automation and IT resources to coordinate joint customs operations and other operational activities;
127	(b) the reimbursement of travel and subsistence expenses, as well as any other indemnities where appropriate, of representatives of the Member States and, where appropriate, representatives of third countries, taking part in the Community missions, joint customs operations organised by or jointly with the Commission and training courses, ad hoc meetings and preparatory and evaluation meetings for administrative investigations or operational actions conducted by the Member States, where they are organised by or jointly with the Commission;		(b) the reimbursement of travel and subsistence expenses, as well as any other indemnities where appropriate, of representatives of the Member States and, where appropriate, representatives of third countries, taking part in the Community missions, joint customs operations organised by or jointly with the Commission and training courses, ad hoc meetings and preparatory and evaluation meetings for administrative investigations or operational actions conducted by the Member States, where they are organised by or jointly with the Commission;	(b) the reimbursement of travel and subsistence expenses, as well as any other indemnities where appropriate, of representatives of the Member States and, where appropriate, representatives of third countries, taking part in the Community missions, joint customs operations organised by or jointly with the Commission and training courses, ad hoc meetings and preparatory and evaluation meetings for administrative investigations or operational actions conducted by the Member States, where they are organised by or jointly with the Commission;
128	(c) expenditure relating to the acquisition, study, development and		(c) expenditure relating to the acquisition, study, development and	(c) expenditure relating to the acquisition, study, development and

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
	maintenance of computer infrastructure (hardware), software and dedicated network connections, and to related production, support and training services for the purpose of carrying out the actions provided for in Regulation (EC) No 515/97, in particular preventing and combating fraud;		maintenance of computer infrastructure (hardware), software and dedicated network connections, and to related production, support and training services for the purpose of carrying out the actions provided for in Regulation (EC) No 515/97, in particular preventing and combating fraud;	maintenance of computer infrastructure (hardware), software and dedicated network connections, and to related production, support and training services for the purpose of carrying out the actions provided for in Regulation (EC) No 515/97, in particular preventing and combating fraud;
129	(d) expenditure relating to the provision of information and expenditure on related actions allowing access to information, data and data sources for the purpose of carrying out the actions provided for in Regulation 515/97, in particular preventing and combating fraud;		(d) expenditure relating to the provision of information and expenditure on related actions allowing access to information, data and data sources for the purpose of carrying out the actions provided for in Regulation 515/97, in particular preventing and combating fraud;	(d) expenditure relating to the provision of information and expenditure on related actions allowing access to information, data and data sources for the purpose of carrying out the actions provided for in Regulation 515/97, in particular preventing and combating fraud;
130	(e) expenditure relating to use of the Customs Information System provided for in instruments adopted under Article 87 of the Treaty on the Functioning of the European Union and in particular in Decision 2009/917/JHA on the use of information technology for customs purposes, in so far as those instruments provide that that expenditure shall be borne by the general budget of the European Union.		(e) expenditure relating to use of the Customs Information System provided for in instruments adopted under Article 87 of the Treaty on the Functioning of the European Union and in particular in Decision 2009/917/JHA on the use of information technology for customs purposes, in so far as those instruments provide that that expenditure shall be borne by the general budget of the European Union.	(e) expenditure relating to use of the Customs Information System provided for in instruments adopted under Article 87 of the Treaty on the Functioning of the European Union and in particular in Decision 2009/917/JHA on the use of information technology for customs purposes, in so far as those instruments provide that that expenditure shall be borne by the general budget of the European Union.
131	(f) expenditure relating to the acquisition, study, development and maintenance of the Union components of the common communication network used for the purposes of point (c).		(f) expenditure relating to the acquisition, study, development and maintenance of the Union components of the common communication network used for the purposes of point (c).	(f) expenditure relating to the acquisition, study, development and maintenance of the Union components of the common communication network used for the purposes of point (c).
132	ANNEX II INDICATORS FOR THE MONITORING OF THE PROGRAMME		ANNEX II INDICATORS FOR THE MONITORING OF THE PROGRAMME	For political trilogue ANNEX II INDICATORS FOR THE MONITORING OF THE PROGRAMME

Row	Commission proposal (COM(2018) 386 final)	EP AMDs (P8_TA-PROV(2019)0068) (12/02/2019)	Coreper mandate 19/12/2018 (15467/18 ADD 1)	Comments/Compromises
133	The Programme will be monitored closely on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators:		The Programme will be monitored closely on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators:	The Programme will be monitored closely on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators:
134	Specific Objective 1: Preventing and combating fraud, corruption and any other illegal activities affecting the financial interests of the Union.		Specific Objective 1: Preventing and combating fraud, corruption and any other illegal activities affecting the financial interests of the Union.	Specific Objective 1: Preventing and combating fraud, corruption and any other illegal activities affecting the financial interests of the Union.
135	Indicator 1: Support in preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the EU, as measured by:		Indicator 1: Support in preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the EU, as measured by:	Indicator 1: Support in preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the EU, as measured by:
136	1.1: Satisfaction rate of activities organised and (co-)financed through the programme.		1.1: Satisfaction rate of activities organised and (co-)financed through the programme.	1.1: Satisfaction rate of activities organised and (co-)financed through the programme.
136.1		AMD 39: (a) Number of type of activities organised and (co-)financed through the Programme <i>Justification:</i> <i>Include quantitative and qualitative indicators.</i>		For political trilogue
137	1.2: Percentage of Member States receiving support each year of the programme.	AMD 40: 1.2: Percentage List of Member States receiving support each year of the Programme and perspective share in funding.	1.2: Percentage of Member States receiving support each year of the programme.	For political trilogue
138	Specific Objective 2: Supporting the reporting of irregularities, including fraud, with regard to the shared management and pre-accession assistance funds of the Union budget.		Specific Objective 2: Supporting the reporting of irregularities, including fraud, with regard to the shared management and pre-accession assistance funds of the Union budget.	Specific Objective 2: Supporting the reporting of irregularities, including fraud, with regard to the shared management and pre-accession assistance funds of the Union budget.

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139	Indicator 2: User satisfaction rate for the use of Irregularities Management System.		Indicator 2: User satisfaction rate for the use of Irregularities Management System.	Indicator 2: User satisfaction rate for the use of Irregularities Management System.
139.1		AMD 41: (a) Number of reports of irregularities; <i>Justification:</i> <i>Include quantitative indicators.</i>		For political trilogue
139.2		AMD 42: User satisfaction rate for the use of the Anti-Fraud Information System.		For political trilogue
140	Specific Objective 3: Providing tools for information exchange and support for operational activities in the field of mutual administrative assistance in customs matters.		Specific Objective 3: Providing tools for information exchange and support for operational activities in the field of mutual administrative assistance in customs matters.	Specific Objective 3: Providing tools for information exchange and support for operational activities in the field of mutual administrative assistance in customs matters.
141	Indicator 3: Number of mutual assistance information made available and number of supported mutual assistance-related activities.		Indicator 3: Number of mutual assistance information made available and number of supported mutual assistance-related activities.	Indicator 3: Number of mutual assistance information made available and number of supported mutual assistance-related activities.
141.1		AMD 43: Number and type of mutual assistance-related activities;		For Political trilogue