



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.10.2001
COM(2001) 567 final

2001/0230 (CNS)

Proposal for a

COUNCIL DECISION

adopting an action programme for administrative co-operation in the fields of external borders, visas, asylum and immigration (ARGO)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. INTRODUCTION

The joint action 98/244/JAI of 19 March 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union (TEU) introduced a programme of training, exchanges and co-operation in the fields of asylum, immigration and crossing of external borders (Odysseus Programme)¹. This programme was established for the period 1998 to 2002. However, the funds allocated for the implementation of the programme, € 12 million, will be used up during the financial year 2001, which will therefore be the last actual year of the Odysseus programme in its current form.

The Treaty of Amsterdam, the Action Plan of the Council and of the Commission, as approved by the Vienna European Council, as well as the conclusions of the Tampere European Council, identified an ambitious work programme for the development of the European Union, as an area of Freedom, Security and Justice (AFSJ). At its presentation of its scoreboard ²in March 2000, the Commission translated the Action Plan into operational, concrete terms using precise models of implementation.

This presumes the adoption within a given timeframe of a certain number of legal instruments which will constitute the envisaged common legal and political framework. It is therefore reasonable to think that this legislative effort will depend on a number of measures, which would guarantee the effectiveness of these policies during the preparatory and implementation stages. It seems therefore essential that the community endows a framework of administrative co-operation, inspired by Article 66 of the Treaty establishing the European Community (TEC), which will provide essential support to realise AFSJ. This is the aim of the instrument, ARGO, which will replace Odysseus for those fields covered by Articles 62 and 63 TEC.

This action programme intends to meet the vital need to strengthen administrative co-operation between the Member States, a need that was also pointed out in both Communications of the Commission on Asylum and Migration³. When drafting this new proposal the Commission also took into account the third report to the European Parliament and the Council on the implementation of the ODYSSEUS programme⁴, the final report of the external evaluation of the programme delivered in March 2000 and the conclusions of the Odysseus Conference held in November 1999.

2. OBJECTIVE

The objective of the action programme is to reinforce the effectiveness of the relevant procedures in the fields of asylum, visas, immigration and the control of external borders and assist the national administrations in the implementation of the Community legislation founded on Articles 62 and 63 of the TEC, as well as, to ensure openness in the application of this legislation.

¹ OJ L 99, 31.3.1998 pp. 2-7.

² Document COM(2001) 278.

³ Documents COM(2000) 755 and 757 of 22.11.2000.

⁴ Document SEC(2001) 903 .

The actions covered under this programme must aim at the implementation of the relevant Community rules independently of who are the national administrations responsible for undertaking those actions. This is the principle that will distinguish this programme from others programmes set up in the JHA field. The ultimate target is that third country nationals receive equivalent treatment when dealing with the national administrations responsible for applying Community legislation founded on Articles 62 and 63 TEC, and therefore avoid so differences in the national practice likely to prejudice the establishment of an area of freedom, security and justice.

Community actions in this field will focus mainly on:

- (1) Developing and spreading use of the best new working methods with particular attention to the computerisation process and electronic exchange of data in order to support the Member States' national administrations to face their mission with increased efficiency.
- (2) Defining and strengthening a common training policy by taking maximum advantage of the projects financed under the Odysseus Programme. This should result in the set up of a genuine "common core of training" at the service of the objectives developed in this action programme.
- (3) Developing a common working methodology and culture between the Member States to foster a better understanding of the administrative processes in each Member State.

3. IMPLEMENTATION

The co-ordination and the organisation of the implementation of the action programme will be realised in a partnership between the Commission and the Member States.

The Annual Work Programme will be the central instrument for implementing this action programme. The experience gained in implementing the programmes in the past show that there are sometimes gaps in the topics covered by the proposals submitted to the Commission, i.e. they do not fully cover the specific objectives and thematic priorities set out in the annual programmes. Focused and targeted actions could also be designed to respond to specific needs in specific areas. It is therefore proposed that the Annual Work Programme identifies a few actions, indicating their form (improvement of working methods, exchange programme, training, specific actions, etc) and a clearly defined topic and target. The Annual Work Programme will permit the Commission to identify which are the priorities for administrative co-operation in the areas concerned by this decision, and in particular:

- The identification of actions which will improve the working methods of the competent administrations of Member States.
- The determination of community actions with regard to particular sectors.
- The rational use and co-ordination of resources of the Community and the Member States.
- The co-ordination and planning of training initiatives with the aim of developing a real community policy in this area including technical help for administrations of third countries where it is deemed necessary.

4. FUNDING

With regard to financing, the actions proposed under this action programme may benefit from the community budget, in accordance with the allocations in the budget line. From the point of view of the Member States any measure for the implementation of this action programme will also represent a financial commitment according to their own budgetary procedures. Community co-financing is foreseen only for actions either already defined or otherwise covered by the Annual Work Programme. The Commission, in its proposal for the Annual Work Programme, will be able to identify some of these actions and invite national administrations to submit proposals on how they will carry them out. The Annual Work Programme will also set out the objectives, evaluation criteria and proportion of the annual resources reserved for specific actions not defined or otherwise covered in it. As far as the application of Information Technology (IT) in the information exchange is concerned, the national administrations and the Commission may also make use of IDA Generic Services funded under the IDA Programme.⁵

5. THE CHOICE OF THE LEGAL BASIS

The choice of legal basis is consistent with the amendments made to the TEC by the Amsterdam Treaty, which entered into force on 1 May 1999. Article 66 of the TEC is the legal basis of this decision whose immediate objective is to support the progressive establishment of an area of freedom, security and justice via the reinforcement of the administrative co-operation between the relevant departments of each Member State and the Commission. Title IV of the TEC is not applicable to the United Kingdom and to Ireland, unless those Member States decide otherwise in accordance with the procedure laid down in the Protocol on the position of the United Kingdom and Ireland annexed to the Treaties. Title IV is likewise not applicable to Denmark, by virtue of the Protocol on the position of Denmark annexed to the Treaties.

The following proposal does not represent a development of the Schengen "Acquis" in the sense of Article 1 of the Agreement concluded by the Council of the European Union with Iceland and Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis⁶. However, since the Action Programme established by the proposed decision is also relevant to policy areas based on Article 62 of the TEC, the Mixed Committee could be informed in accordance with Article 5 of the aforementioned agreement. It must be noted that by virtue of Article 10 the proposed Action Programme can also co-finance actions where Norway and Iceland are involved.

6. SUBSIDIARITY AND PROPORTIONALITY

The insertion of the new Title IV on visas, asylum, immigration and other policies related to free movement of persons into the TEC creates a Community responsibility in these fields. This responsibility must, however, be exercised in accordance with Article 5 of the Treaty, i.e. if and in so far as action taken at Community level offers clear advantages, by reason of its scale or effects, over action at Member State level. The proposal for a decision satisfies these criteria.

⁵ Decision No 1719/1999/EC and Decision No 1720/1999/EC (OJ 3.8.1999 L 203).

⁶ OJ L 176/36, 10.7.1999.

6.1 Subsidiarity

Individual national administrations are not able to establish homogeneous practices of the Member States when applying Community law. A Community framework is therefore necessary for strengthening co-operation and collaboration among them. Questions concerning the organisation, powers and resources of the relevant services are reserved, as far as possible, to the Member States.

6.2 Proportionality

The decision will make it possible to provide financial support to certain actions proposed by the relevant national administrations, who are also responsible for deciding how to carry them out under schemes agreed in conjunction with the Commission. Because the Member States are responsible for proposing and administering the actions, the use of Community funds must be subject to clear and uniform rules contained in a Council decision, which is the appropriate instrument for implementing Community programmes.

7. COMMENTARY ON ARTICLES

Article 1

This article defines the name, scope, duration and who is subject to this action programme.

Article 2

This article defines the concept of “national administrations” within this action programme.

Article 3

This article describes the general objectives that must guide the actions of the national administrations. These objectives also constitute eligibility criteria for co-financing the actions proposed by the Member States.

Article 4

This article defines the activities of the Member States’ national administrations in the field of external borders supported by ARGO in order to improve the efficiency in the application of the rules on controls at the external borders which is part of the Schengen Acquis.

Article 5

This article defines the activities of the Member States’ national administrations in the field of visas supported by ARGO in particular in order to reinforce the consular co-operation.

Article 6

This article defines the activities of the Member States' national administrations in the field of asylum supported by ARGO and which have already been identified in the Communication towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum⁷ that was presented by the Commission in November last year.

Article 7

This article defines the activities of the Member States' national administrations in the field of immigration supported by ARGO. These activities cover both areas, legal and illegal immigration and are in line with the Communication from the Commission on a Community immigration policy⁸. They should also be in conformity with principal guidelines and key requirements underlying a Community policy on prevention and the fight against illegal immigration, which will be the subject of a Communication of the Commission to be issued in the near future.

Article 8

This article describes the different types of actions that the national administrations may propose in order to benefit from Community funding under ARGO.

Article 9

This article covers those contingencies arising in the own Members States or neighbouring countries affecting one of the policy areas covered by Articles 62 and 63 TEC that require an immediate and co-ordinated reaction by the Member States' national administrations.

Article 10

This article states who can receive co-financing from this action programme and what the eligibility requirements are. The possibility of funding actions, where not only Member States but also candidate and third countries are involved, was left open.

Article 11

This article is dealing with the financial and budgetary rules of the action programme indicating the basic principles for financing actions.

Article 12

This articles focuses on the implementation of the action programme, setting out the basic rules, steps to be followed by the Commission, relevant Committee procedures and applicable selection criteria when evaluating the proposed actions.

Article 13

This article provides that the Commission will be assisted in the implementation of the action programme by a Committee composed of representatives from the Member States.

⁷ COM(2000) 755 final.

⁸ COM(2000) 757 final.

Article 14

This article imposes an obligation on the Member States and the Commission to ensure that the programme is monitored and evaluated. It also requires the Commission to report annually to the European Parliament and the Council.

Article 15

This article defines who is addressed by this decision.

Proposal for a

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adopting an action programme for administrative co-operation in the fields of external borders, visas, asylum and immigration (ARGO)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the proposal from the Commission⁹,

Having regard to the opinion of the European Parliament¹⁰,

Having regard to the opinion of the Economic and Social Committee¹¹,

Having regard to the opinion of the Committee of the Regions¹²,

Whereas:

- (1) Administrative co-operation between the Member States in the areas covered by Articles 62 and 63 of the Treaty is part of the Community's objective of progressively establishing an area of freedom, security and justice.
- (2) Joint Action 98/244/JHA of 19 March 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, introducing a programme of training, exchanges and co-operation in the field of asylum, immigration and crossing of external borders (Odysseus Programme)¹³ will come to an end once the budget allocated has been exhausted in 2001.
- (3) In accordance with the conclusions of the European Council in Tampere on 15 and 16 October 1999, the Commission has defined in its Communication to the Council and the European Parliament on the biannual update of the scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union (first half of 2001)¹⁴ an ambitious legislative programme that should lead to a new body of Community rules in the area of Justice and Home Affairs that will have to be implemented by the Member States.

⁹ OJ C ...

¹⁰ OJ C ...

¹¹ OJ C ...

¹² OJ C ...

¹³ OJ L 99, 31.3.1998, p. 2.

¹⁴ COM(2001) 278 final.

- (4) Uniformity between the practices of the Member States when applying Community law can be obtained by strengthening co-operation and collaboration among their national administrations, and between them and the Commission.
- (5) Individual action by each administration is incapable of achieving such results. A Community framework is therefore necessary for improving mutual understanding between the competent national administrations and the way they implement the relevant Community legislation, and for defining the priority areas of administrative co-operation required.
- (6) A high level of training of equivalent quality throughout the Community is needed to guarantee the success of this action programme, taking advantage of the experience gained with the Odysseus Programme.
- (7) The implementation of a Community action programme constitutes one of the most effective ways of achieving these objectives and will provide a basis to the Commission for assessing whether establishing a common training institution would be a suitable way of improving the training in Community law given to the staff of the Member States.
- (8) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁵,

HAS ADOPTED THIS DECISION:

CHAPTER I - INTRODUCTORY PROVISIONS

Article 1

Subject-matter and scope

This Decision establishes a Community action programme to be called “ARGO” to support and complement the actions undertaken by the Community and the Member States in the implementation of Community legislation founded on Articles 62, 63 and 66 of the Treaty.

The ARGO programme shall cover the period from 1 January 2002 to 31 December 2006.

¹⁵ OJ L 184, 17.7.1999, p. 3.

Article 2

Definition

For the purposes of this Decision “national administrations” means the departments of the administrations of the Member States or other bodies delegated by those administrations which are responsible for the implementation of Community legislation founded on Articles 62 and 63 of the Treaty and on Article 66 of the Treaty in so far as concerns administrative co-operation in the areas covered by the said Articles 62 and 63.

Article 3

General objectives

This action programme shall contribute to the following objectives:

- (a) to promote co-operation between national administrations in implementing Community rules with special attention to the pooling of resources and co-ordinated and homogeneous practices;
- (b) to promote the uniform application of Community law in order to harmonise the decisions taken by the national administrations of any Member State, thereby avoiding malfunctioning likely to prejudice the progressive establishment of an area of freedom security and justice;
- (c) to improve the overall efficiency of national administrations in the carrying out of their tasks when implementing Community rules;
- (d) to ensure that proper account is taken of the Community dimension in the organisation of the national administrations contributing to the implementation of Community rules;
- (e) to encourage transparency of actions taken by the national authorities by strengthening relations between the national administrations and relevant national and international governmental and non-governmental organisations.

CHAPTER II - ACTIVITIES COVERED BY ARGO

Article 4

Activities in the area of external borders

In order to achieve the objectives set out in Article 3, this action programme shall support the activities of the Member States in the area of external borders intended:

- (a) to ensure that the Member States carry out border controls in compliance with the common principles and implementing rules laid down by Community legislation;
- (b) to provide an equivalent level of effective protection and surveillance at external borders;
- (c) to reinforce the effectiveness of controls at border crossing points and surveillance between crossing points.

Article 5

Activities in the area of visas

In order to achieve the objectives set out in Article 3, this action programme shall support the activities of the Member States in the area of visas intended:

- (a) to ensure that Member States issue visas in compliance with the common principles and implementing rules laid down by Community legislation;
- (b) to promote an equivalent level of control and security when issuing visas;
- (c) to promote harmonisation in the examination of visa applications, and in particular supporting documents regarding the purpose of the journey, means of subsistence and accommodation;
- (d) to promote harmonisation of exceptions applied by Member States to certain categories of applicants for visas to facilitate controls at the external borders and freedom of movement between Member States.

Article 6

Activities in the area of asylum

In order to achieve the objectives set out in Article 3, this action programme shall support the activities of the Member States in the area of asylum intended:

- (a) to promote the establishment and operation of the Common European Asylum System by supporting measures and standards leading to a common asylum procedure and a uniform status for those granted asylum valid throughout the Community;
- (b) to facilitate the determination of the State responsible for the examination of an asylum application;
- (c) to support the approximation of rules on the recognition and content of refugee status, complemented with measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection;

- (d) to reinforce the efficiency and fairness of asylum procedure and to increase convergence in decisions dealing with asylum applications ;
- (e) to develop resettlement and entry facilities, and legal means for admission into Member States on humanitarian grounds.

Article 7

Activities in the area of immigration

In order to achieve the objectives set out in Article 3, this action programme shall support the activities of the Member States in the area of immigration intended:

- (a) to ensure that Member States issue residence and work permits in compliance with the common principles and implementing rules laid down by Community legislation;
- (b) to promote the knowledge of the rules of residence and work permits for third country nationals;
- (c) to encourage verification of the effects and the perception of Community immigration policy in migrants' countries of origin;
- (d) to ensure an effective, efficient and homogeneous application of the relevant common rules and policies in relation to irregular migratory flows and illegal immigration while safeguarding a sufficient level of access to international protection;
- (e) to enhance co-operation in the field of the return of illegal residents, including transit through other Member States.

Article 8

Types of actions

With a view to pursuing the objectives set out in Article 3 and the activities laid down in Articles 4, 5, 6 or 7, this action programme may support the following types of actions:

- (a) training actions including, in particular, the elaboration of harmonised curricula and common core-training programmes to be organised by national administrations and complementary actions aimed at making national administrations receptive to the best working methods and techniques developed in other Member States;
- (b) staff exchange ensuring that the seconded staff participate effectively in the work of the host national administrations;
- (c) actions promoting, on one hand, the use of computerised handling of files and procedures, including use of the most up-to-date techniques for electronic data exchange and, on the other hand, the collection, analysis, distribution and exploitation of information making the fullest use of information technology, in particular, the establishment of information points and websites;

- (d) evaluation of the impact of common rules and procedures founded on Articles 62 and 63 of the Treaty;
- (e) actions intended to promote the development of best practices in view of improving working methods and equipment, simplifying procedures and shortening deadlines;
- (f) setting up of common operative centres and of teams composed of staff drawn from two or more Member States to act, in particular, in emergency situations;
- (g) studies, research, conferences and seminars involving staff of the Member States and the Commission and, where appropriate, staff of the relevant national and international governmental and non-governmental organisations;
- (h) mechanisms for consulting and associating the relevant national and international governmental and non-governmental organisations;
- (i) Member States' activities in third countries, in particular fact-finding missions in countries of origin and transit.

Article 9

Specific actions

Other modalities of administrative co-operation in the policy areas covered by Articles 62 and 63 of the Treaty, in particular joint operations and actions with a limited scope and duration arising from situations which require an immediate reaction, may be included in the framework of ARGO. The Annual Work Programme referred to in Article 12 shall set out a framework for the financing of these specific actions including objectives and evaluation criteria.

CHAPTER III -FINANCIAL PROVISIONS, MANAGEMENT AND MONITORING

Article 10

Eligibility

1. To be eligible for co-financing under the ARGO action programme, the actions referred to in Article 8 must:
 - (a) be proposed by the national administration of one Member State and involve:
 - at least two other Member States or
 - another Member State and a candidate country, where the aim is to prepare for its accession or

- another Member State and a third country, where this would be beneficial for the purpose of the action proposed;
- (b) pursue one of the general objectives referred to in Article 3; and
- (c) implement one of the activities in the respective policy area referred to in Articles 4, 5, 6 or 7.

Article 11

Financing

1. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
2. The co-financing of an action by the ARGO action programme shall be exclusive of any other financing by another programme financed by the budget of the European Communities.
3. Financing decisions shall be subject to grant agreements between the Commission and the national administrations proposing the actions. The financing decisions and contracts arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors.
4. The proportion of financial support from the budget of the European Communities shall generally not exceed 60% of the cost of the action. However, in exceptional circumstances this proportion may be raised up to 80%.

Article 12

Implementation

1. The Commission shall be responsible for the management and implementation of the ARGO action programme, in partnership with the Member States.
2. The Commission shall manage the ARGO action programme in accordance with the Financial Regulation .
3. To implement the ARGO action programme, the Commission shall, within the scope of the general objectives set out in Article 3:
 - (a) prepare an Annual Work Programme comprising specific objectives, thematic priorities and, if necessary, a list of actions;
 - (b) evaluate and select the actions proposed by the national administrations.
4. Annual Work Programme shall be adopted according to the management procedure referred to in Article 13 paragraph 2. The list of selected actions shall be adopted according to the advisory procedure referred to in Article 13 paragraph 3.

5. The Commission shall evaluate and select actions proposed by the national administrations on the basis of the following criteria:
- (a) conformity with the Annual Work Programme, the general objectives set out in Article 3 and the activities in the respective policy area set out in Article 4, 5, 6 or 7;
 - (b) the European dimension of the proposed action and scope for participation by the candidate countries;
 - (c) compatibility with the work undertaken or planned within the framework of the Community's political priorities in the areas covered by Articles 62 and 63.
 - (d) complementarity to other past, present or future administrative co-operation actions;
 - (e) the ability of the national administrations to implement the proposed action;
 - (f) the inherent quality of the proposed action in terms of its conception, organisation, presentation and expected results;
 - (g) amount of the support requested under the ARGO action programme and proportionality with the expected results;
 - (h) impact of the expected results on the general objectives set out in Article 3 and on the activities in the respective policy area set out in Article 4, 5, 6 or 7.

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Article 13

Committee

1. The Commission shall be assisted by a Committee, hereinafter referred to as "the ARGO Committee", composed of representatives of the Member States and chaired by the representative of the Commission.
2. Where reference is made to this paragraph, the management procedure laid down in Article 4 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

The period provided for in Article 4 paragraph 3 of Decision 1999/468/EC shall be set at three months.
3. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

4. The Commission may invite representatives from the candidate countries to information meetings after the Committee's meetings.

Article 14

Monitoring and evaluation

1. The Commission and the Member States shall monitor and evaluate the implementation of the ARGO action programme on a continuous basis.
2. Each year the Commission shall submit a report to the European Parliament and the Council on the implementation of the ARGO action programme.

The report shall analyse all the progress achieved and shall be accompanied where necessary by any proposals for ensuring homogeneous application in the Member States of Community legislation founded on Articles 62 and 63 of the Treaty. The Commission shall submit the first report by 31 December 2003 at the latest and the final report by 31 December 2007 at the latest.

Article 15

Addressees

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): Articles 62, 63 and 66 of the Treaty establishing the European Community

Activity(ies): Justice and Home Affairs

TITLE OF ACTION: PROPOSAL FOR A COUNCIL DECISION ADOPTING AN ACTION PROGRAMME FOR ADMINISTRATIVE COOPERATION IN THE FIELDS OF EXTERNAL BORDERS, VISAS, ASYLUM AND IMMIGRATION (ARGO)

1. BUDGET LINE(S) + HEADING(S)

B5 – 820 (Action D): Training, exchange and cooperation programmes in the field of Justice and Home Affairs

2. OVERALL FIGURES

2.1 Total allocation for action (Part B): € million for commitment: € 25 million

2.2 Period of application: 2002-2006

2.3 Overall multiannual estimate on expenditure:

a) Schedule of commitment appropriations/payment appropriations (financial intervention) (*see point 6.1.1*)

€ million (to 3rd decimal place)

	Year 2002	2003	2004	2005	2006	n + 5 and subs. years	Total
Commitments	5,000	4,000	5,340	6,340	3,000		23,68
Payments	2,500	4,500	4,670	5,840	4,670	1,500	23,68

b) Technical and administrative assistance and support expenditure (*see point 6.1.2*)

Commitments	0,024	0,424	0,024	0,424	0,424		1,32
Payments	0,012	0,224	0,224	0,224	0,424	0,212	1,32

Subtotal a+b							
Commitments	5,024	4,424	5,364	6,764	3,424		25
Payments	2,512	4,724	4,894	6,064	5,094	1,712	25

c) Overall financial impact of human resources and other administrative expenditure (see points 7.2 and 7.3)

Commitments/ payments	0,357	0,357	0,357	0,357	0,357		1,785
TOTAL a+b+c							
Commitments	5,381	4,781	5,721	7,121	3,781		26,785
Payments	2,869	5,081	5,251	6,421	5,451	1,712	26,785

2.4 Compatibility with the financial programming and the financial perspective

- Proposal compatible with the existing financial programming
- This proposal will entail reprogramming of the relevant heading in the financial perspective
- This may entail application of the provisions of the Interinstitutional Agreement.

2.5 Financial impact on revenue:

No financial implications (involves technical aspects regarding implementation of a measure)

OR

- Financial impact – the effect on revenue is as follows:

€ million (to 1 decimal place)

Budget line		Revenue	Prior to action (Year n-1)	Situation following action					
				Year n	n+1	n+2	n+3	n+4	n+5
		a) Revenue in absolute terms							
		b) Change in Revenue	Δ						

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA participation	Participation applicant countries	Heading Financial Perspective
Comp/ Non-comp DNO	Diff/ Non-diff CD	YES/ NO OUI	YES/NO NON	YES/NO NON	No

4. LEGAL BASIS

Article 66 of the Treaty establishing the European communities.

5. DESCRIPTION AND GROUNDS

5.1 Need for Community intervention

5.1.1 Objectives pursued

Provide financial support for certain actions proposed by the Member States in the areas of external borders, visas, asylum and immigration intended to promote co-operation and co-ordination between national administrations. In addition, a Community framework will be set up for deciding which are the priorities in the field of co-operation between national administrations

This will result in a reinforcement of the effectiveness of the procedures in the fields covered by this proposal while identifying difficulties in the implementation of the new Community legislation and ensuring an increased openness in its application.

5.1.2 Measures taken in connection with ex ante evaluation

The objectives of the Odysseus programme, which preceded this new action programme, corresponded to real needs of the national administrations and, in fact, the appropriations allocated were fully committed one year before the end of the programme. The external evaluation carried out in March 2000 underlined that the generality of objectives of the Odysseus Programme could be the origin of certain difficulties. This is one of the reasons why the new ARGO instrument defines activities in the policy areas covered by Articles 62 and 63 of the TEC apart from a general framework of objectives. The tight legislative agenda set out in the scoreboard to review the progress on the creation of an Area of Freedom, Security and Justice and which will result in a new Community acquis, represents also an important incentive for preparing a new programme that will focus on the implementation of this new Community acquis.

Community intervention is justified since individual action by each administration is incapable of achieving such results and a Community framework is therefore necessary for improving the mutual understanding of the competent national administrations and the way they implement the relevant Community legislation, and for defining the priority areas of administrative co-operation required.

5.1.3 Measures taken following ex post evaluation

The Commission shall report each year to the European Parliament and the Council on the implementation of the action programme. The report shall analyse all the progress achieved and set out any proposals for ensuring a homogeneous application in the Member States of the Community law founded on Articles 62 and 63 of the Treaty establishing the European Community. The Commission shall submit the first report in December 2003, at the latest and the final report by December 2007.

5.2 Actions envisaged and arrangements for budget intervention

Target population:

This action programme is aimed at the national administrations of the Member States. These national administrations are the sole direct beneficiaries because they are the only bodies that can request Community funding under ARGO when proposing certain actions.

Ultimate beneficiaries are the third country nationals and EU citizens because of an increased effectiveness and openness of the national administrations when applying the relevant Community legislation.

The proposed decision defines activities in the areas of external borders (article 4), visas (article 5), asylum (article 6) and immigration (article 7). The ARGO Action Programme will make it possible to provide financial support to concrete actions that implement these activities. These actions may consist of improvement of working methods, training, exchange of officials, seminars and other modalities of administrative co-operation.

Only the relevant national administrations can propose these actions and they are solely responsible for deciding how to carry them out under schemes agreed in conjunction with the Commission. Community funding will not be higher than 60%, in exceptional circumstances 80%, of the total cost of the proposed action. Financing decisions shall be subject to grant agreements between the Commission and the national administrations.

5.3 Methods of implementation

The Commission in partnership with the Member States is responsible for the implementation of the programme. However, the Member States are solely responsible for proposing and administering the actions funded by this programme. The use of Community funds must be subject to clear and uniform rules contained in a Council decision, which is the appropriate instrument for implementing Community programmes.

The only alternative to the arrangements proposed is for the Commission to administer individual actions directly. Experience of the joint actions and pilot projects that preceded this Decision suggests that this imposes a disproportionate administrative burden without maximising efficiency.

Devolving administration to the Member States allows the Commission to concentrate on general objectives and overall consistency and ensures that the choice and implementation of individual actions occurs at grassroots level, taking account the specific situation in the Member State and the needs to be met.

The actions eligible for co-financing under this programme must aim at the implementation of the relevant Community rules by the national administrations. National administrations shall mean the relevant departments of the administrations of the Member States or other bodies delegated by them responsible for the implementation of Community legislation.

6. FINANCIAL IMPACT

6.1 Total financial impact on Part B - (over the entire programming period)

6.1.1 Financial intervention

Commitments in € million (to the 3rd decimal place)

Breakdown	Year N 2002	N + 1 2003	N + 2 2004	N + 3 2005	N + 4 2006	N + 5 and subs. Years	Total
Action 1: Improvement of working methods							
Action 2: Training							
Action 3: Exchange of officials							
Etc.							
TOTAL	5,000	4,000	5,340	6,340	3,000		23,68

6.1.2 Technical and administrative assistance, support expenditure and IT expenditure (Commitment appropriations)

	Year 2002	2003	2004	2005	2006	N + 5 and subs. Years	Total
1) Technical and administrative assistance							
a) Technical assistance offices							
b) Other technical and administrative assistance: - intra muros : - extra muros : <i>of which for construction and maintenance of computerised management systems</i>							
Subtotal 1							
2) Support expenditure							
a) Studies		300.000		300.000	300.000		900.000
b) Meetings of experts	24.500	24.500	24.500	24.500	24.500		122.500
c) Information and publications		100.000		100.000	100.000		300.000
Subtotal 2							
TOTAL	24.500	424.500	24.500	424.500	424.500		1.322.500

6.2 Calculation of costs by measure envisaged in Part B (over the entire programming period)

Commitments in € million (to the 3rd decimal place)

Breakdown	Type of outputs (projects, files)	Number of outputs (total for years 1...n)	Average unit cost	Total cost (total for years 1...n)
	1	2	3	4=(2X3)
<u>Action 1</u> - Measure 1 - Measure 2 <u>Action 2</u> - Measure 1 - Measure 2 - Measure 3 Etc.				
TOTAL COST				

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1 Impact on human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
Permanent officials or Temporary staff	A	1		1	<i>If necessary, a fuller description of the tasks may be annexed.</i>
	B	1		1	
	C	1		1	
Other human resources					
Total		3		3	

7.2 Overall financial impact of human resources

Type of human resources	Amount €	Method of calculation *
Officials 1 A + 1 B + 1 C Temporary staff	324.000	108.000 average man/year x 3
Other human resources (give budget line)		
Total	324.000	

The amounts are total expenditure for twelve months.

In the estimate of human and administrative resources required for the action, DGs/Services must take into account the decisions taken by the Commission in its orientation debate and when adopting the preliminary draft budget (PDB). This means that DGs must show that human resources can be covered by the indicative pre-allocation made when the PDB was adopted.

Exceptional cases, where the action concerned could not be foreseen when the PDB was being prepared, will have to be referred to the Commission for a decision on whether and how (by means of an amendment of the indicative pre-allocation, an ad hoc redeployment exercise, a supplementary/amending budget or a letter of amendment to the draft budget) implementation of the proposed action can be accepted.

7.3 Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount €	Method of calculation
Overall allocation (Title A7)		
A0701 – Missions		
A07030 – Meetings	15.600	€ 600 x 13 experts x 2 committee
A07031 – Compulsory committees ⁽¹⁾	18.000	€ 600 x 15 experts x 2 meetings
A07032 – Non-compulsory committees ⁽¹⁾		
A07040 – Conferences		
A0705 – Studies and consultations		
... Other expenditure (state which)		
Information systems (A-5001/A-4300)		
Other expenditure - Part A (state which)		
Total	33.600	

The amounts are total expenditure for twelve months.

⁽¹⁾ Specify the type of committee and the group to which it belongs.

I.	Annual total (7.2 + 7.3)	€ 357.600
II.	Duration of action	5 Years
III.	Total cost of action (I x II)	€ 1.788.000

8. FOLLOW-UP AND EVALUATION

8.1 Follow-up arrangements

Monitoring of the particular actions undertaken by the national administrations and benefiting from community funding. The basis will be provided by the reports from the beneficiaries upon completion of the actions. The Commission intends to develop a “model” for the final reports to be provided to all beneficiaries.

Monitoring activities will produce the elements for the annual report that the Commission has to present to the European Parliament and the Council (see point 5.1.3).

8.2 Arrangements and schedule for the planned evaluation

This action programme shall be evaluated with a view to a mid-term review and assessment of its impact, and the evaluation process should be incorporated into the monitoring of the action.

9. ANTI-FRAUD MEASURES

The Member States are responsible for proposing actions and for their financial management and administration; they have prime responsibility for the financial control of actions. In addition the actions proposed must comply with the eligibility criteria laid down in this Decision.

Financing decisions and contracts arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors. In application of the principles of sound financial management, Member States must certify the expenditure declarations and ensure that the accounting system relies on verifiable documentary evidence, must prevent, detect and correct irregularities, must initiate the necessary legal proceedings and inform the Commission accordingly, must co-operate with the Commission and recover amounts lost as a result of irregularities. In addition, the Commission must satisfy itself as to the existence and proper functioning of the management and control systems in the Member States and may carry out on-site inspections or ask the Member State concerned to carry out inspections in which Commission officials or other staff may take part.