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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Asylum and Migration Fund**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The policies relating to the Area of Freedom, Security and Justice have been growing steadily over the last years. Their importance has been confirmed by the Stockholm Programme<sup>1</sup> and its Action Plan<sup>2</sup>, the implementation of which is a strategic priority for the next five years and covers areas such as migration (legal migration and integration; asylum; irregular migration and return), security (prevention of and fight against terrorism and organised crime; police cooperation) and management of the external borders (including visa policy), as well as the external dimension of these policies. The Lisbon Treaty also enables the Union to demonstrate greater ambition in responding to the day-to-day concerns of citizens in the area of freedom, security and justice.

The Stockholm programme recognises both the opportunities and challenges posed by increased mobility of persons, and underlines that well-managed migration can be beneficial to all stakeholders. The European Council equally recognised that, in the context of the important demographic challenges that the Union will face in the future with an increased demand for labour, flexible migration policies will make an important contribution to the Union's economic development and performance in the longer term.

On 29 June 2011, the Commission adopted a proposal for the next Multi-Annual Financial Framework for the period 2014-2020<sup>3</sup>: a budget for delivering the Europe 2020 strategy. In the area of home affairs policies, covering security, migration and the management of external borders, the Commission proposed to simplify the structure of the expenditure instruments by reducing the number of programmes to a two pillar structure: an Asylum and Migration Fund and an Internal Security Fund.

This Regulation establishes the Asylum and Migration Fund which draws on the capacity building process developed with the assistance of the European Refugee Fund<sup>4</sup>, the European Fund for the Integration of third-country nationals<sup>5</sup> and the European Return Fund<sup>6</sup> and extends it to cover more comprehensively different aspects of the common Union asylum and immigration policy, including actions in or in relation to third countries addressing primarily EU interests and objectives in those policy areas, and takes into account new developments.

In the framework of developing a common policy on asylum with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement* as stated in the Treaty on the Functioning of the European Union, it is necessary, based on solidarity between Member States, to set up mechanisms to promote a balance of effort between Member States in receiving and bearing the consequences of receiving persons in need of international protection and displaced persons. This also includes a strong resettlement and relocation component.

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<sup>1</sup> OJ C 115, 4.5.2010, p.1.

<sup>2</sup> COM(2010)171 final of 20/04/2010.

<sup>3</sup> COM(2011)500 Final.

<sup>4</sup> Decision No 573/2007/EC of the European Parliament and of the Council (OJ L 144, 6.6.2007, p. 1)

<sup>5</sup> Council Decision 2007/435/EC (OJ L 168, 28.6.2007, p. 18)

<sup>6</sup> Decision No 575/2007/EC of the European Parliament and of the Council (OJ L 144, 6.6.2007, p. 45)

A well organised legal immigration policy and more effective integration strategies, in line with the Stockholm Programme and supported by the Union's legal instruments, have a central role to play in ensuring the Union's long-term competitiveness and ultimately the future of its social model. In this light, better integration, economically and socially, of legally residing third-country nationals remains the key to maximising the benefits of immigration.

An effective and sustainable return policy is an essential element of a well-managed migration system within the Union. It is also a necessary complement to a credible legal immigration and asylum policy, as well as an important component in the fight against irregular immigration.

Recent events at the Greek/Turkish border and in the Southern Mediterranean have also demonstrated how important it is for the Union to have a comprehensive approach to migration, covering various aspects such as strengthened border management and Schengen governance, better targeted legal migration, enhanced dissemination of best practices on integration, a reinforced Common European Asylum System, and a more strategic approach to relations with third countries on migration.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENT**

In accordance with the greater emphasis placed on evaluation as a tool to inform policy making, this proposal is informed by evaluation results, stakeholder consultation and impact assessment.

The results of the reports on the ex-post evaluation of the European Refugee Fund for the period 2005-2007 and on the mid-term evaluation of the implementation of the European Fund for the Integration of third-country nationals for 2007-2009 and of the European Return Fund for 2008-2009 were particularly important in this respect.

Work on the preparation of the future financial instruments for home affairs started in 2010 and continued into 2011. As part of this preparatory work, an evaluation/impact assessment study was launched in December 2010 with the aid of an external contractor. This study was completed in July 2011 and brought together available evaluation results for the existing financial instruments and informed the problems, objectives and policy options, including their likely impact, examined in the impact assessment. Building upon this study, the Commission prepared an impact assessment report on which the Impact Assessment Board delivered its opinion on 9 September 2011.

The impact assessment takes into account the results of a dedicated on-line public consultation on the future of home affairs funding. The consultation ran from 5 January to 20 March 2011 and was open to all stakeholders. A total of 115 responses were received from individuals and on behalf of organisations, including 8 position papers. Respondents from all Member States contributed to the consultation as well as respondents from some third countries.

In April 2011 the conference "The future of EU funding for Home Affairs: A fresh look" brought together key stakeholders (Member States, international organisations, civil society organisations etc) and gave them the opportunity to share their views on the future of Union

funding for home affairs. The conference was also an occasion to validate the outcome of the stock taking and the public consultation.

The future of Union funding for home affairs was raised and discussed with institutional stakeholders on numerous occasions, including at an informal lunch discussion during the JHA Council on 21 January 2011, an informal breakfast with the political coordinators of the European Parliament on 26 January 2011, at the hearing of Commissioner Malmström before the Parliament's SURE Committee on 10 March 2011 and during an exchange of views between the Director-General of DG Home Affairs and the Parliament's LIBE Committee on 17 March 2011.

Specific expert advice on the future financial instruments in the area of asylum and migration was provided through discussions that took place during the Immigration and Asylum Committee of 22 February 2011, at the meeting of the network of National Contact Points on Integration on 15 March 2011, at the meeting of the Contact Committee on the Return Directive on 18 March 2011 and at the meeting of the High Level Working Group on Migration and Asylum on 27 April 2011. Moreover, technical aspects linked to the implementation of the future financial instrument in the area of asylum and migration were also discussed on the basis of a written consultation in April 2011 with Member States' experts within the framework of the common Committee for the General Programme on Solidarity and Management of Migration Flows ('SOLID Committee').

The above consultations, conferences and expert discussions confirmed that there is general agreement among key stakeholders on the need to broaden the scope of action for Union funding in the field of asylum and migration, including as regards its external dimension, and a need to work towards more simplification of delivery mechanisms and greater flexibility, notably to respond to emergencies. In the area of asylum and migration, stakeholders considered that the broad thematic priorities have already been fixed by the Stockholm Programme and its Action Plan. There was broad support to reduce the number of financial instruments to a two-Fund structure on the condition that this would actually lead to simplification. They also agreed on the need for a flexible emergency response mechanism to allow the Union to respond quickly and effectively to migration and security-related crises. Shared management with a move to multi-annual programming with the definition of common targets at Union level was generally seen as the appropriate management method for all home affairs spending although non-governmental organisations were of the view that direct management should also be continued. Stakeholders also supported enhancing the role of the home affairs agencies in order to foster cooperation and increase synergies.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

The right to act derives from Article 3(2) of the Treaty on European Union which states that "the Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime".

Union action is justified on the grounds of the objectives laid out in Article 67 of the Treaty on the Functioning of the Union (hereinafter referred to as 'the Treaty'), setting out the means to constitute an area of freedom, security and justice.

The Regulation is based on legal bases in Title V of the Treaty in the area of freedom, security and justice namely on Articles 78(2) and 79(2) and (4) which constitute legal basis for Union action in area of asylum, immigration, management of migration flows, fair treatment of third-country nationals residing legally in Member States, combating illegal immigration and trafficking in human beings, including through co-operation with third countries.

These Articles constitute compatible legal bases in the light of the position of the United Kingdom, Ireland and Denmark with regard to the areas they cover, thus provide for compatible voting rules in the Council. Further ordinary legislative procedure applies to each of them.

Attention is also drawn to Article 80 of the Treaty which underlines that these policies of the Union and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

Overall, this is an area where there is an obvious added value in Union interventions compared to Member States acting alone. The European Union is in a better position than Member States to provide a framework for expressing Union solidarity in the management of migration flows. The financial support provided under this Regulation therefore contributes in particular to strengthening national and European capabilities in this area. For that purpose, this Regulation *inter alia* aims to strengthen and develop the Common European Asylum System, to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows, to encourage the development of proactive immigration strategies relevant to and supportive of the integration process of third-country nationals and promote the integration of third-country nationals with particular focus on the local and regional levels of Member States, to enhance the Member States' capacities to promote fair and effective return strategies and to support the development of partnerships and cooperation with third countries.

However, it is fully acknowledged that interventions should take place at an appropriate level and the role of the Union should not go beyond what is necessary. As the Budget Review has highlighted, the "EU budget should be used to finance EU public goods, actions that Member States and regions cannot finance themselves, or where it can secure better results".<sup>7</sup>

#### **4. BUDGETARY IMPLICATION**

The Commission's proposal for a Multi-Annual Financial Framework includes a proposal of EUR 3,869 million (in current prices) for Asylum and Migration Fund for the period 2014-2020. Indicatively more than 80% of this amount (EUR 3,232 million) should be used for national programmes of Member States while EUR 637 million should be centrally managed by the Commission to fund Union actions, emergency assistance, European Migration Network, technical assistance and the implementation of specific operational tasks by Union agencies.

EUR million (current prices)

|                                  |              |
|----------------------------------|--------------|
| <b>Asylum and Migration Fund</b> | <b>3,869</b> |
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<sup>7</sup> "The EU Budget Review", COM (2010) 700, 19.10.2010.

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|------------------------|-------|
| National programmes    | 3,232 |
| Centralised management | 637   |

## 5. MAIN ELEMENTS OF THE PROPOSAL

### 5.1. Resources for Member States

The most important part of the resources available under the Fund will be channelled through national programmes of Member States covering the whole period 2014-2020. For this purpose, the amount of resources to be allocated to the Member States within the Fund will be composed of a basic amount and a variable amount. Following a mid-term review an additional amount may be allocated as of budget year 2018.

#### 5.1.1. Basic amount

The basic amount is established on the basis of latest available statistical data relating to the migration flows, such as the number of first asylum applications, positive decisions granting refugee or subsidiary protection, number of resettled refugees, stock and flows of legally residing third-country nationals, number of return decisions issued by the national authorities and the number of effected returns<sup>8</sup>. Those data are the same as those used so far for the calculation of allocations under the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund. In order to ensure critical mass for the implementation of national programmes, EUR 5 million is added as a minimum amount to each Member State.

The basic amounts earmarked to individual Member States will serve as a basis to start the policy dialogue, followed by the multiannual programming, to support, on the hand, a limited number of compulsory objectives (e.g. strengthening the establishment of Common European Asylum System by ensuring the efficient and uniform application of the Union *acquis* on asylum or developing an assisted voluntary return programme including a component on reintegration) and, on the other hand, to address the specific needs of each Member State.

#### 5.1.2. Variable amount

The variable amount will be allocated following the policy dialogue mentioned above to those Member States willing to work in those operational fields which depend on their political commitment and willingness to act, or ability to cooperate with other Member States. This will be the case for the implementation of specific actions such as for instance joint processing of asylum applications, joint return operations, setting up of joint migration centres as well as for the implementation of resettlement and relocation operations.

For what concerns resettlement, Member States will receive financial incentives (lump sums) every two years on the basis of their pledging which will follow the establishment of common Union resettlement priorities. These will be the result of a political process involving in particular the European Parliament and the Council and reflecting the policy developments at national and Union level. Through these financial incentives, two objectives are to be

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<sup>8</sup> Data collected by Eurostat under the Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on Migration and International protection.

achieved: a quantitative one, i.e. to increase significantly the current resettlement figures which are too small, and a qualitative one, i.e. to strengthen the European dimension through the implementation of defined and dynamic common Union resettlement priorities.

Moreover, based on a similar pledging exercise and at regular intervals, Member States will receive financial incentives (lump sums) for relocation of beneficiaries of international protection.

### *5.1.3. Mid-term allocation*

A part of available resources will be kept for mid-term review.

This will, on the one hand, allow allocating additional amounts to those Member States undergoing significant changes in migration flows and presenting specific needs concerning their asylum and reception systems and, on the other hand, to allocate additional amounts to those Member States willing to implement specific actions. The latter may be revised in line with the most recent policy developments.

## **5.2. Union Agencies**

To use more effectively the competence and expertise of relevant Union agencies in the home affairs field, the Commission also envisages to make use of the possibility offered by the Financial Regulation<sup>9</sup> to entrust, within the resources available under this Regulation, the implementation of specific tasks to such agencies, in the framework of their missions and in complementarity with their work programmes. For the tasks covered by this Regulation this concerns in particular the European Asylum Support Office (EASO) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency) for activities in and outside the EU requiring operational expertise on issues related to asylum and irregular immigration, respectively.

## **5.3. Actions in or in relation to third countries**

This Fund shall support actions catering primarily for Union interests, having a direct impact in the Union and its Member States and ensuring a necessary continuity with activities implemented in the territory of the Union. Actions that are directly development oriented shall not be supported through this Fund. In implementing such actions, full coherence will be sought with the principles and general objectives of the Union external action related to the country or region in question.

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<sup>9</sup> The triennial revision of the Financial Regulation introduces changes in the shared management principles which have to be taken into account.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2) and 79(2) and (4) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>10</sup>,

Having regard to the opinion of the Committee of the Regions<sup>11</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union's objective to constitute an area of freedom, security and justice, should be achieved, inter alia, through common measures framing a policy on asylum and immigration, based on solidarity between Member States, which is fair towards third-countries and their nationals. The European Council of 2 December 2009 recognised that financial resources within the Union should be made increasingly flexible and coherent, both in terms of scope and of applicability, to support policy developments in the field of asylum and migration.
- (2) In order to contribute to the development of the common Union policy on asylum and immigration and to the strengthening of the area of freedom, security and justice in the light of the application of the principles of solidarity and responsibility sharing between the Member States and cooperation with third countries, this Regulation should establish the Asylum and Migration Fund (hereinafter referred to as 'the Fund').
- (3) The Fund should express solidarity through financial assistance to Member States. It should enhance the effective management of migration flows to the Union in areas where the Union adds maximum value, in particular by sharing responsibility between Member States and sharing responsibility and strengthening cooperation with third countries.

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<sup>10</sup> OJ C , , p. .

<sup>11</sup> OJ C , , p. .

- (4) To ensure a uniform and high-quality asylum policy and apply higher standards of international protection, the Fund should contribute to the effective functioning of the Common European Asylum System, which encompasses measures relating to policy, legislation, capacity-building, acting in co-operation with other Member States, Union Agencies and third-countries.
- (5) It is appropriate to support and improve the efforts made by Member States to fully and properly implement the Union asylum *acquis*, in particular to grant appropriate reception conditions to asylum seekers, displaced persons and beneficiaries of international protection, to ensure correct determination of status, in accordance with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>12</sup>, to apply fair and effective asylum procedures and to promote good practice in the field of asylum so as to protect the rights of persons requiring international protection and enable Member States asylum systems to work efficiently.
- (6) The Fund should offer adequate support to joint efforts by Member States to identify, share and promote best practices and establish effective cooperation structures in order to enhance the quality of decision-making in the framework of the Common European Asylum System.
- (7) This Fund should complement and reinforce the activities undertaken by the European Asylum Support Office (EASO) established by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010<sup>13</sup> with a view to coordinating practical cooperation between Member States on asylum, supporting Member States subject to particular pressure on their asylum systems and contributing to the implementation of the Common European Asylum System.
- (8) The Fund should support the efforts by the Union and the Member States relating to the enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union legislation.
- (9) The Fund should support the efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement by the United Nations High Commissioner for Refugees (UNHCR), such as the assessment of the resettlement needs and transfer of the persons concerned to their territories, with a view to granting them a secure legal status and to promoting their effective integration.
- (10) The Fund should provide support to burden-sharing operations consisting of the transfer of applicants for and beneficiaries of international protection from one Member State to another.
- (11) Partnerships and cooperation with third countries to ensure the adequate management of inflows of persons applying for asylum or other forms of international protection are an essential component of Union asylum policy. With the aim to provide access to international protection and durable solutions at the earliest possible stage, including

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<sup>12</sup> OJ L 304, 30.9.2004, p. 12.

<sup>13</sup> OJ L 132, 29.5.2010, p. 11.

in the framework of Regional Protection Programmes<sup>14</sup>, the Fund should include a strong Union resettlement component.

- (12) To improve and reinforce the integration process in European societies, the Fund should facilitate legal migration to the Union in line with the economic and social needs of Member States and anticipates the preparation of the integration process already in the country of origin of the third-country nationals coming to the Union.
- (13) In order to be efficient and achieve the greatest added value, the Fund should pursue a more targeted approach, in support of consistent strategies specifically designed to promote the integration of third-country nationals at local and/or regional level. Those strategies should be implemented mainly by local or regional authorities and non-state actors, while not excluding national authorities if the specific administrative organisation of the Member State would so require. The implementing organisations should choose the measures most appropriate to their particular situation from a range of measures available.
- (14) The scope of the integration measures should also include refugees, asylum seekers or persons granted other forms of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of these target groups.
- (15) To ensure the consistency of the European Union's response to integration of third-country nationals, actions financed under this Fund should be specific and complementary to actions financed under the European Social Fund. In this context, the authorities of the Member States responsible for the implementation of this Fund should be required to establish cooperation and coordination mechanisms with the authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund.
- (16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States.
- (17) The Union should continue and expand the use of Mobility Partnerships as the main strategic, comprehensive and long-term cooperation framework for migration management with third countries. The Fund should support activities in the framework of Mobility Partnerships taking place either in the Union or in third countries and aiming at pursuing Union needs and priorities, in particular actions ensuring the continuity of funding encompassing both Union and third countries.
- (18) It is appropriate to continue supporting and encouraging efforts by the Member States to improve the management of return in all its dimensions, with a view to the continuous, fair and effective implementation of common standards on return, notably as set out in the Directive 2008/115/EC of the European Parliament and of the Council

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<sup>14</sup> COM(2005) 388 final.

of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals<sup>15</sup>. The Fund should promote the development of return strategies at national level and also measures supporting their effective implementation in third countries.

- (19) As regards the voluntary return of persons, including persons who wish to be returned even though they are under no obligation to leave the territory, incentives for such returnees, such as preferential treatment in the form of enhanced return assistance should be foreseen. This kind of voluntary return is in the interests of both returnees, and the authorities in terms of the cost-effectiveness. Member States should be encouraged to give preference to voluntary return.
- (20) However, from a policy point of view, voluntary and enforced return are interlinked and have a mutually reinforcing effect and Member States should be encouraged in their return management to reinforce the complementarities of the two forms. There is a need to carry out enforced returns in order to safeguard the integrity of the immigration and asylum policy of the Union and the immigration and asylum systems of the Member States. Thus the possibility of enforced return is a prerequisite for ensuring that this policy is not undermined and for enforcing the rule of law, which itself is essential to the creation of an area of freedom, security and justice. The Fund should therefore support actions of Member States to facilitate enforced return.
- (21) It is imperative for the Fund to support specific measures for returnees in the country of return in order to ensure effective return to their town or region of origin under good conditions and to enhance their durable reintegration into their community.
- (22) Union readmission agreements are an integral component of the Union return policy and a central tool for the efficient management of migration flows as they facilitate the swift return of irregular migrants. Those agreements are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interest of effective return strategies at national and Union level.
- (23) The Fund should complement and reinforce the activities undertaken by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency) established by Council Regulation (EC) No 2007/2004 of 26 October 2004<sup>16</sup>, one of the tasks of which is to provide the necessary support for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and the removal of third country nationals illegally present in the territories of the Member States.
- (24) The Fund should be implemented in full respect with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union. In particular, eligible actions should take account of the specific situation of vulnerable persons, in particular, with special attention and dedicated responses to unaccompanied minors and other minors at risk.

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<sup>15</sup> OJ L 348, 24.12.2008, p. 98.

<sup>16</sup> OJ L 349, 25.11.2004, p. 1.

- (25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be ensured with the Union humanitarian policy, in particular as regards the implementation of emergency assistance.
- (26) A large part of the available resources under the Fund should be allocated proportionally to the responsibility borne by each Member State through its efforts in managing migration flows on the basis of objective criteria. For that purpose, the latest available statistical data relating to the migration flows, such as the number of first asylum applications, the number of positive decisions granting refugee or subsidiary protection, the number of resettled refugees, the number of legally residing third-country nationals, the number of third-country nationals who have obtained an authorisation issued by a Member State to reside, the number of return decisions issued by the national authorities and the number of effected returns should be used<sup>17</sup>.
- (27) Whilst it is appropriate for an amount to be allocated to each Member State on the basis of the latest available statistical data, a part of the available resources under the Fund should also be distributed for the implementation of specific actions which require cooperative effort amongst Member States and generate significant added value for the Union, and for the implementation of the Union Resettlement Programme and for the implementation of relocation.
- (28) For that purpose, this Regulation should establish a list of specific actions eligible for resources from the Fund. Additional amounts should be allocated to those Member States which make a commitment to implement them.
- (29) In the light of the progressive establishment of a Union Resettlement Programme, the Fund should provide targeted assistance in the form of financial incentives (lump sums) for each resettled refugee.
- (30) With a view to increasing the impact of the Union resettlement efforts in providing protection to refugees and maximising the strategic impact of resettlement through a better targeting of those persons who are in greatest need of resettlement, common priorities with respect to resettlement should be formulated at Union level every two years on the basis of the general categories specified in this Regulation.
- (31) Given their particular vulnerability, some categories of refugees should always be included in the common Union resettlement priorities.
- (32) Taking into account the resettlement needs set out in the common Union resettlement priorities, it is also necessary that additional financial incentives are provided for the resettlement of persons with respect to specific geographic regions and nationalities as

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<sup>17</sup> Data collected by Eurostat under the Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on Migration and International protection.

well as to the specific categories of refugees to be resettled, where resettlement is determined to be the most appropriate response to their special needs.

- (33) To enhance the solidarity and share better the responsibility between the Member States, in particular towards those most affected by asylum flows, a similar mechanism based on financial incentives should also be established for relocation of beneficiaries of international protection.
- (34) With a view to taking account of significant changes in migration flows and addressing the needs of asylum and reception systems of Member States, a mid-term review should be carried out. For that purpose, a financial reserve should be kept for the distribution at the mid-term review.
- (35) The support provided by the Fund will be more efficient and bring greater added value if a limited number of compulsory objectives is identified in this Regulation which must be pursued in the programmes drawn up by each Member State, taking into account its specific situation and needs.
- (36) It is important for enhanced solidarity that the Fund provides additional support to address emergency situations of heavy migratory pressure in Member States or third-countries or in the event of mass influx of displaced persons, pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting a balance efforts between Member States in receiving such persons and bearing the consequences thereof<sup>18</sup>, through emergency assistance.
- (37) This Regulation should ensure the continuation of the European Migration Network set up by Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network<sup>19</sup> and provide financial assistance necessary for its activities in line with its objectives and tasks as set out in this Regulation.
- (38) Decision 2008/381/EC should therefore be repealed.
- (39) In the light of the purpose of financial incentives allocated to the Member States for resettlement and/or relocation in the form of lump sums and because they represent a small fraction of the actual costs, this Regulation should provide for certain derogations from the rules on the eligibility of expenditure.
- (40) In order to supplement or amend provisions of this Regulation on the lump sums for resettlement and relocation, the definition of specific actions and of common Union resettlement priorities, 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. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

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<sup>18</sup> OJ L 212, 7.8.2001, p. 12.

<sup>19</sup> OJ L 131, 21.5.2008, p. 7.

- (41) In order to ensure a uniform, efficient and timely application of the provisions of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>20</sup>.
- (42) Funding from the Union budget should concentrate on activities where the Union intervention can bring additional value compared to action of Member States alone. As the European Union is in a better position than Member States to provide a framework for expressing Union solidarity in the management of migration flows, financial support provided under this Regulation should contribute in particular to strengthening national and Union capabilities in this area.
- (43) For the purpose of its management and implementation, the Fund should form part of a coherent framework consisting of this Regulation and Regulation (EU) No [...] of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management<sup>21</sup>.
- (44) Since the objective of this Regulation, namely to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy, cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (45) Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013<sup>22</sup> should be repealed.
- (46) Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013<sup>23</sup> should be repealed.
- (47) Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013<sup>24</sup> should be repealed.
- (48) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European

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<sup>20</sup> OJ L 55, 28.2.2011, p. 13.

<sup>21</sup> OJ L , , p. .

<sup>22</sup> OJ L 144, 6.6.2007, p. 1.

<sup>23</sup> OJ L 144, 6.6.2007, p. 45.

<sup>24</sup> OJ L 168, 28.6.2007, p. 18.

Union, and without prejudice to Article 4 of that Protocol, Ireland [*is not taking part in the adoption of this Regulation and is not bound by it or subject to its application / has notified its wish to take part in the adoption and application of this Regulation*].

- (49) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom [*is not taking part in the adoption of this Regulation and is not bound by it or subject to its application / has notified its wish to take part in the adoption and application of this Regulation*].
- (50) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### **Purpose and scope**

1. This Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Asylum and Migration Fund (hereinafter referred to as 'the Fund').
2. This Regulation lays down:
  - (a) the objectives of financial support and the eligible actions;
  - (b) the general framework for the implementation of eligible actions;
  - (c) the available financial resources and their distribution;
  - (d) the principles and mechanism for establishment of common Union resettlement priorities;
  - (e) the objectives, tasks and composition of the European Migration Network.
3. This Regulation provides for the application of the rules set out in Regulation (EU) No .../... [Horizontal Regulation].

#### *Article 2*

##### **Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (a) *'resettlement'* means the process whereby, on a request from the United Nations High Commissioner for Refugees (UNHCR) based on a person's need for international protection, third-country nationals or stateless persons having the status defined by the Geneva Convention of 28 July 1951 and who are permitted to reside as refugees in one of the Member States are transferred from a third-country and established in a Member State where they are permitted to reside with one of the following statuses:
  - (i) refugee status within the meaning of point (d) of Article 2 of Directive 2004/83/EC, or
  - (ii) a status which offers similar rights and benefits under national and Union law as refugee status;
- (b) *'relocation'* means the process whereby, persons referred to in points (a) and (b) of Article 4(1) are transferred from the Member State which granted them international protection to another Member State where they will be granted equivalent protection, or persons falling within the category referred to in point (c) of Article 4(1) are transferred from the Member State which is responsible for examining their application to another Member State where their application for international protection will be examined.
- (c) *'third-country national'* means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty;
- (d) *'unaccompanied minor'* means any third-country national or stateless person below the age of 18 years, who arrives or arrived on the territory of the Member States unaccompanied by an adult responsible for them whether by law or the national practice of the Member State concerned, and for as long as they are not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after entering the territory of the Member States;
- (e) *'family members'* means any persons who are dependant relatives in the descending or ascending line, including adopted children, spouses, unmarried partners with a duly attested long-term relationship or in a registered partnership, if applicable under the national law of the Member State concerned;
- (f) *'emergency situation'* means a situation resulting from:
  - (i) heavy migratory pressure in one or more Member States characterised by a large and disproportionate inflow of third-country nationals which place significant and urgent demands on their reception and detention facilities, asylum systems and procedures,
  - (ii) implementation of temporary protection mechanisms within the meaning of Directive 2001/55/EC, or
  - (iii) heavy migratory pressure in third countries where refugees are stranded due to events such as political developments or conflicts.

### Article 3

#### Objectives

1. The general objective of the Fund shall be to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy.

2. Within its general objective, the Fund shall contribute to the following specific objectives:

- (a) to strengthen and develop the Common European Asylum System, including its external dimension;

The achievement of this objective shall be measured by indicators, *inter alia*, the level of improvement in asylum reception conditions, in the quality of asylum procedures, in the convergence of recognition rates across Member States, and in Member States' resettlement efforts.

- (b) to support legal migration to the Union in line with the economic and social needs of Member States and promote the effective integration of third-country nationals, including of asylum seekers and beneficiaries of international protection;

The achievement of this objective shall be measured by indicators, *inter alia*, the level of increased participation of third-country nationals in employment, education and in democratic processes.

- (c) to enhance fair and effective return strategies in the Member States with emphasis on sustainability of return and effective readmission in the countries of origin;

The achievement of this objective shall be measured by indicators, *inter alia*, the number of returnees.

- (d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

The achievement of this objective shall be measured by indicators, *inter alia*, the level of increased mutual assistance between Member States including through practical cooperation and relocation.

### Article 4

#### Target groups

1. The Fund shall contribute to the financing of actions targeting one or more of the following categories of persons:

- (a) any third-country national or stateless person having the status defined by the Geneva Convention and who is permitted to reside as a refugee in one of the Member States;

- (b) any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2004/83/EC;
- (c) any third-country national or stateless person who has applied for one of the forms of protection referred to in points (a) and (b);
- (d) any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC;
- (e) any third-country national or stateless person who is being or has been resettled in a Member State;
- (f) any third-country national who is residing legally in a Member State or who is in the process of acquiring legal residence in a Member State;
- (g) any third-country national who is on the territory of a third country, who intend to migrate to the Union and who comply with specific pre-departure measures and/or conditions set out in national law, including those relating to the ability to integrate in the society of a Member State;
- (h) any third-country national who has not yet received a final negative decision in relation to their request to stay, legal residence and/or international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
- (i) any third-country national enjoying the right to stay, legal residence or a form of international protection within the meaning of Directive 2004/83/EC or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who has chosen to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
- (j) any third-country national who does not or no longer fulfil the conditions for entry and/or stay in a Member State.

2. The target group shall comprise family members of persons referred to above, where appropriate, and in so far as the same conditions apply.

## **CHAPTER II**

### **COMMON EUROPEAN ASYLUM SYSTEM**

#### *Article 5*

#### **Reception and asylum systems**

1. Within the specific objective defined in point (a) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the Fund shall support actions targeting persons referred to in points (a) to (e) of Article 4(1) and relating, in particular, to one or more of the following:

- (a) provision of material aid, education, training, support services, health and psychological care;
- (b) provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling on the possible outcomes of the asylum procedure, including on aspects such as voluntary return;
- (c) provision of legal aid and language assistance;
- (d) specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, persons with serious physical illnesses, mental illnesses or post-traumatic disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;
- (e) information for local communities as well as training for the staff of local authorities, who will be interacting with those being received;
- (f) provision of integrative actions from the list set out in Article 9(1), where this is combined with the reception of persons referred to in points (a) to (e) of Article 4(1).

2. In the new Member States accessing the Union as of 1 January 2013 and in Member States faced with specific, structural deficiencies in the area of accommodation infrastructure and services, in addition to the eligible actions listed under paragraph 1, the Fund may also support actions aiming at:

- (a) establishment, development and improvement of accommodation infrastructure and services;
- (b) setting up of administrative structures, systems and training of staff and relevant judicial authorities to ensure smooth access to asylum procedures for asylum seekers and efficient and quality asylum procedures.

#### *Article 6*

#### **Member States' capacity to develop, monitor and evaluate their asylum policies**

Within the specific objective defined in point (a) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the following actions, shall in particular be eligible:

- (a) actions enhancing the capacity of Member States to collect, analyse and disseminate data and statistics on asylum procedures, reception capacities, resettlement and relocation actions;
- (b) actions directly contributing to the evaluation of asylum policies, such as national impact assessments, surveys amongst target groups, the development of indicators and benchmarking.

## *Article 7*

### **Resettlement and relocation**

Within the specific objective defined in points (a) and (d) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the Fund shall, in particular, support the following actions related to resettlement of persons referred to in point (e) of Article 4 and/or relocation of persons referred to in points (a), (b) and (c) of Article 4(1):

- (a) establishment and development of national resettlement and relocation programmes;
- (b) establishment of appropriate infrastructure and services to ensure the smooth and effective implementation of resettlement and relocation actions;
- (c) setting up of structures, systems and training of staff to conduct missions to the third countries and/or other Member States, to carry out interviews, medical and security screening;
- (d) assessment of potential resettlement and/or relocation cases by the competent Member States' authorities, such as conducting missions to the third country and/or other Member State, interviews, medical and security screening;
- (e) pre-departure health assessment and medical treatment, pre-departure material provisions, pre-departure information measures and travel arrangements, including the provision of medical escort services;
- (f) information and assistance upon arrival, including interpretation services;
- (g) strengthening of infrastructure and services in the countries designated for the implementation of Regional Protection Programmes.

## **CHAPTER III**

### **INTEGRATION OF THIRD-COUNTRY NATIONALS AND LEGAL MIGRATION**

## *Article 8*

### **Immigration and pre-departure measures**

In order to facilitate legal migration to the Union and better to prepare persons referred to in point (g) of Article 4(1) for their integration into the receiving society within the specific objective defined in point (b) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the following actions taking place in the country of origin, shall in particular be eligible:

- (a) information packages and awareness-raising campaigns, including via user friendly communication and information technology and websites;

- (b) assessment of skills and qualifications and enhancement of transparency and equivalence of skills and qualifications in the countries of origin;
- (c) vocational training;
- (d) comprehensive civic orientation courses and language tuition.

### *Article 9*

#### **Integration measures at local and regional level**

1. Within the specific objective defined in point (b) of Article 3(2), eligible actions shall take place in the framework of consistent strategies, implemented by non-governmental organisations, local and/or regional authorities and specifically designed for the integration, at the local and/or regional level, as appropriate, of persons referred to in points (a) to (g) of Article 4(1). In this context, eligible actions shall in particular include the following:

- (a) setting up and developing such integration strategies, including needs analysis, the improvement of indicators and evaluation;
- (b) advice and assistance in areas such as housing, means of subsistence, administrative and legal guidance, medical, psychological and social care, child care;
- (c) actions introducing third-country nationals to the receiving society and actions enabling them to adapt to it, to inform them on their rights and obligations, to participate in civil and cultural life and to share the values enshrined in the Charter of Fundamental Rights of the European Union;
- (d) measures focusing on education, including language training and preliminary actions to facilitate access to the labour market;
- (e) actions designed to promote self-empowerment and to enable third-country nationals to provide for themselves;
- (f) actions that promote meaningful contact and constructive dialogue between third-country nationals and the receiving society and actions to increase acceptance by the receiving society, including through the involvement of the media;
- (g) actions promoting both equality of access and equality of outcomes in relation to third-country nationals' dealings with public and private services, including adaptation of these services to dealing with third-country nationals;
- (h) capacity building of implementing organisations, including exchange of experience and good practices, and networking.

2. Actions referred to in paragraph 1 shall take into account the specific needs of different categories of third-country nationals and their family members, including those entering or residing for employment or self-employment and family reunification purposes, beneficiaries of international protection, asylum seekers, resettled or relocated persons and vulnerable groups of migrants, in particular, minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, and

persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

3. Actions referred to in paragraph 1 may include, where appropriate, citizens of a Member State with a migration background, meaning having at least one parent (i.e. mother or father) who is a third country national.

4. For the purpose of programming and implementation of actions referred to in paragraph 1, the partnership referred to in Article 12 of the Regulation (EU) No .../... [Horizontal Regulation] shall include authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund.

## *Article 10*

### **Capacity building measures**

Within the specific objective defined in point (b) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], eligible actions shall in particular include the following:

- (a) building up strategies promoting legal migration with a view to facilitating the development and implementation of flexible admission procedures, inter alia by supporting cooperation between recruitment agencies and employment services from Member States and third countries, as well as supporting Member States in their implementation of Union migration law, consultation processes with relevant stakeholders and expert advice or information exchanges on approaches which target specific nationalities or categories of third-country nationals with respect to needs of the labour markets;
- (b) reinforcing the capacity of Member States to develop, implement, monitor and evaluate their immigration strategies, policies and measures across the different levels and departments of administrations, in particular enhancement of their capacity to collect, analyse and disseminate data and statistics on migration procedures and flows, residence permits and development of monitoring tools, evaluation schemes, indicators and benchmarking for measuring achievements of these strategies;
- (c) furthering intercultural capacities of implementing organisations providing public and private services, including educational institutions, promoting the exchange of experience and good practices, cooperation and networking;
- (d) building sustainable organisational structures for integration and diversity management, in particular through cooperation between different stakeholders enabling officials at various levels of national administrations to swiftly gain information about experiences and best practices elsewhere and, where possible, to pool resources;
- (e) contributing to a dynamic two-way process of mutual interaction, underlying integration strategies at local and regional level by developing platforms for consultation of third-country nationals, exchange of information between stakeholders and intercultural and religious dialogue platforms between third country

nationals' communities and/or between these communities and the receiving society and/or between those communities and policy and decision-making authorities.

## CHAPTER IV

### RETURN

#### *Article 11*

##### **Measures accompanying return procedures**

Within the specific objective defined in point (c) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the Fund shall support actions targeting persons referred to in points (h) to (j) of Article 4(1) and relating, in particular, to one or more of the following:

- (a) establishment and improvement of accommodation infrastructure or services and reception or detention conditions;
- (b) setting up of administrative structures, systems and training of staff to ensure smooth return procedures;
- (c) provision of material aid, health and psychological care;
- (d) provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling;
- (e) provision of legal aid and language assistance;
- (f) specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

#### *Article 12*

##### **Return measures**

Within the specific objective defined in point (c) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the Fund shall support actions targeting persons referred to in points (h) to (j) of Article 4(1) and relating, in particular, to one or more of the following:

- (a) co-operation with consular authorities and immigration services of third countries with a view to obtaining travel documents, facilitating repatriation and ensuring readmission;

- (b) assisted voluntary return measures, including medical examinations and assistance, travel arrangements, financial contributions, pre- and post-return counselling and assistance;
- (c) measures to launch the progress of reintegration for the returnee's personal development, such as cash-incentives, training, placement and employment assistance and start-up support for economic activities;
- (d) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival;
- (e) specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

### *Article 13*

#### **Practical co-operation and capacity building measures**

Within the specific objective defined in point (c) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the following actions shall, in particular, be eligible:

- (a) actions to promote and reinforce the operational cooperation between the return services of Member States, including as regards co-operation with consular authorities and immigration services of third countries;
- (b) actions to support cooperation between return services from Member States and third-countries, including measures aiming at strengthening third countries' capacities to conduct such readmission and reintegration activities in the framework of readmission agreements;
- (c) actions enhancing the capacity to develop effective and sustainable return policies, in particular by exchanging information on the situation in countries of return, best practices, sharing experience and pooling resources between Member States;
- (d) actions enhancing the capacity to collect, analyse and disseminate data and statistics on return procedures and measures, reception and detention capacities, enforced and voluntary returns, monitoring and reintegration;
- (e) actions directly contributing to the evaluation of return policies, such as national impact assessments, surveys amongst target groups, the development of indicators and benchmarking.

## **CHAPTER V**

### **FINANCIAL AND IMPLEMENTATION FRAMEWORK**

## *Article 14*

### **Global resources and implementation**

1. The global resources for the implementation of this Regulation shall be EUR 3,869 million.
2. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the financial framework.
3. The global resources shall be implemented through the following means:
  - (a) national programmes, in accordance with Article 20;
  - (b) Union actions, in accordance with Article 21;
  - (c) emergency assistance, in accordance with Article 22;
  - (d) European Migration Network, in accordance with Article 23;
  - (e) technical assistance, in accordance with Article 24.
4. The global resources available under this Regulation shall be implemented under shared management in accordance with [point (b) of Article 55(1) of the New Financial Regulation]<sup>25</sup>, with the exception of Union actions referred to in Article 21, the emergency assistance referred to in Article 22, the European Migration Network referred to in Article 23, and technical assistance referred to in Article 24.
5. The global resources shall be used indicatively as follows:
  - (a) EUR 3,232 million for national programmes of Member States;
  - (b) EUR 637 million for Union actions, emergency assistance, European Migration Network and technical assistance of the Commission.

## *Article 15*

### **Resources for eligible actions in the Member States**

1. EUR 3,232 million shall be allocated to the Member States indicatively as follows:
  - (a) EUR 2,372 million as indicated in Annex I;
  - (b) EUR 700 million based on the distribution mechanism for specific actions as referred to in Article 16, for the Union Resettlement Programme as referred to Article 17 and for relocation as referred to in Article 18;

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<sup>25</sup> Commission proposal – Regulation on the financial rules applicable to the annual budget of the Union (COM(2010)815 final of 22.12.2010). This proposal constitutes a formal withdrawal by the Commission of the previous legislative proposals COM(2010)71 final and COM(2010)260 final.

- (c) EUR 160 million in the framework of the mid-term review and from the period as of budget year 2018, to take into account important changes in migration flows and/or address the specific needs established by the Commission provided for in Article 19.

2. The amount referred to in point (b) of paragraph 1 shall support:

- (a) specific actions listed in Annex II,
- (b) resettlement of persons referred to in point (e) of Article 4 and/or relocation of persons referred to in points (a), (b) and (c) of Article 4(1).

### *Article 16*

#### **Resources for specific actions**

1. An additional amount as referred to in point (a) of Article 15(2) may be allocated to the Member States provided that it is earmarked as such in the programme and shall be used to implement specific actions. Those specific actions are listed in Annex II.
2. To take into account new policy developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to revise the Annex II in the context of the mid-term review. On the basis of the revised list of specific actions, Member States may receive an additional amount as laid down in paragraph 1, subject to available resources.
3. The additional amounts referred to in paragraphs 1 and 2 shall be allocated to the Member States in the individual financing decisions approving or revising their national programme in the context of the mid-term review according to the procedure laid down in Articles 14 and 15 of the Regulation (EU) No .../... [Horizontal Regulation]. Those amounts shall only be used for the implementation of the specific actions.

### *Article 17*

#### **Resources for Union Resettlement Programme**

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive every two years an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR 6,000 for each resettled person.
2. The lump sum referred to in paragraph 1 shall be increased to EUR 10,000 for each person resettled according to the common Union resettlement priorities established pursuant to paragraphs 3 and 4 and listed in Annex III.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to specify every two years the common Union resettlement priorities on the basis of the following general categories:
- persons from a country or region designated for the implementation of a Regional Protection Programme;

- persons from a country or region which has been identified in the UNHCR resettlement forecast and where Union common action would have a significant impact in addressing the protection needs;
- persons belonging to a specific category falling within the UNHCR resettlement criteria.

4. The following vulnerable groups of refugees shall in any event be included in the common Union resettlement priorities and qualify for the lump sum provided for in paragraph 2 :

- women and children at risk,
- unaccompanied minors,
- persons having medical needs that can be addressed only through resettlement,
- persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs.

5. Where a Member State resettles a person according to more than one of categories referred to in paragraphs 1 and 2, it shall receive the lump sum for that person only once.

6. The Commission shall establish by way of implementing acts the timetable and other implementation conditions related to the allocation mechanism of resources for Union Resettlement Programme in accordance with the procedure referred to in Article 27(2).

7. The additional amounts referred to in paragraph 1 shall be allocated to the Member States every two years, for the first time in the individual financing decisions approving their national programme according to the procedure laid down in Article 14 of the Regulation (EU) No .../... [Horizontal Regulation] and later in a financing decision to be annexed to the decisions approving their national programme. Those amounts shall not be transferred to other actions under the national programme.

8. To effectively pursue the objectives of the Union Resettlement Programme and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust, if deemed appropriate, the lump sums referred to in paragraphs 1 and 2.

### *Article 18*

#### **Resources for relocation**

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive, when deemed appropriate, an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR 6,000 for each person relocated from another Member State.

2. The Commission shall establish the timetable and other implementation conditions related to the allocation mechanism of resources for relocation in accordance with the procedure referred to in Article 26(2).

3. The additional amounts referred to in paragraph 1 shall be allocated to the Member States on a regular basis, for the first time in the individual financing decisions approving their national programme according to the procedure laid down in Article 14 of the Regulation (EU) No .../... [Horizontal Regulation] and later in a financing decision to be annexed to the decision approving their national programme. Those amounts shall not be transferred to other actions under the national programme.

4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust the lump sum referred to in paragraph 1.

### *Article 19*

#### **Resources in the framework of the mid-term review**

1. In order to allocate the amount indicated in point (c) of Article 15(1), by 31 May 2017 the Commission shall assess the needs of Member States as regards their asylum and reception systems, their situation concerning migration flows in the period 2014 to 2016 and the expected developments.

The Commission shall use for its assessment, *inter alia*, the information collected from Eurostat, the European Migration Network, the EASO and the Frontex Agency risk analysis.

Based on that analysis, the Commission shall determine the level of specific needs as regards the asylum and reception systems and as regards the migratory pressure in Member States by aggregating factors defined as follows:

- (a) asylum and reception systems:
  - (i) factor 1 for no specific needs
  - (ii) factor 1,5 for medium specific needs
  - (iii) factor 3 for high specific needs
- (b) migratory pressure:
  - (i) factor 1 for no particular pressure
  - (ii) factor 1,5 for medium particular pressure
  - (iii) factor 3 for high particular pressure

2. On the basis of that pattern, the Commission shall determine by way of implementing acts the Member States which shall receive an additional amount and establish a distribution matrix for allocation of the available resources amongst those Member States in accordance with the procedure referred to in Article 27(3).

## Article 20

### National programmes

1. Under the programmes, to be examined and approved in accordance with Article 14 of the Regulation (EU) No .../... [Horizontal Regulation], Member States shall pursue in particular the following objectives:

- (a) strengthening the establishment of Common European Asylum System by ensuring the efficient and uniform application of the Union *acquis* on asylum;
- (b) supporting the establishment and development of the Union Resettlement Programme by offering durable solutions to refugees stranded in third-countries, in particular according to common Union resettlement priorities;
- (c) setting up and developing integration strategies at local/regional level encompassing different aspects of the two way dynamic process, addressing specific needs of different categories of migrants and developing effective partnerships between all stakeholders;
- (d) developing an assisted voluntary return programme including a component on reintegration.

2. Member States shall ensure that all actions supported under this Fund are compatible with the Union *acquis* on asylum and immigration, even if they are not bound by or subject to the application of the relevant measures.

## Article 21

### Union actions

1. At the Commission's initiative, the Fund may be used to finance transnational actions or actions of particular interest to the Union, concerning the general and specific objectives referred to in Article 3.

2. To be eligible for funding, Union actions shall, in particular, support:

- (a) the furthering of Union cooperation in implementing Union law and good practices in the field of asylum, including resettlement and relocation, legal migration, including integration of third-country nationals, and return;
- (b) the setting-up of transnational cooperation networks and pilot projects, including innovative projects, based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation, and to facilitate exchanges of experience and good practice;
- (c) studies on possible new forms of Union cooperation in the field of asylum, immigration, integration and return and relevant EU law, the dissemination and exchange of information on best practices and on all other aspects of asylum, immigration, integration and return policies, including corporate communication on the political priorities of the Union;

- (d) development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of asylum, legal migration and integration and return;
- (e) preparatory, monitoring, administrative and technical support, development of an evaluation mechanism, required to implement the policies on asylum and immigration;
- (f) cooperation with third countries, in particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes.

3. The actions referred to in this Article shall be implemented in accordance with Article 7 of the Regulation (EU) No .../... [Horizontal Regulation].

#### *Article 22*

#### **Emergency assistance**

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation.
2. Emergency assistance shall be implemented in accordance with Article 8 of the Regulation (EU) No .../...[Horizontal Regulation].

#### *Article 23*

#### **European Migration Network**

1. The Fund shall support the European Migration Network and provide financial assistance necessary for its activities and its future development.
2. The objective of the European Migration Network shall be:
  - (a) to serve as an Union advisory council for migration and asylum through co-ordination and cooperation at both national and Union level with representatives of Member States, academia, civil society, think-tanks and other Union/international entities;
  - (b) to meet the migration and asylum information needs of Union institutions and of the Member States by providing up-to-date, objective, reliable and comparable information on migration and asylum, in order to support policymaking in the European Union in these areas;
  - (c) to provide the general public with the information referred to in point (b).
3. To achieve its objective the European Migration Network shall:
  - (a) collect and exchange up-to-date, objective, reliable and comparable data and information from a wide range of sources, including in meetings, by electronic means, through common studies and via ad-hoc queries;

- (b) undertake analysis of the data and information referred to in point (a), including improving comparability, and provide it in format readily accessible to policymakers in particular;
- (c) produce and publish periodic reports on the migration and asylum situation in the Union and the Member States;
- (d) through the provision of the information produced by it, serve as a reference to the wider public for objective, impartial information on migration and asylum.

4. The European Migration Network, EASO and Frontex Agency shall ensure that their respective activities are consistent and coordinated.

5. The European Migration Network shall be composed of:

- (a) the Commission, which shall coordinate the work of the European Migration Network, and ensure, in particular, that it appropriately reflects the political priorities of the Union in the area of migration and asylum;
- (b) a Steering Board to provide political guidance on and approve the activities of the European Migration Network, comprising of the Commission plus experts from Member States, the European Parliament and from other relevant entities;
- (c) National Contact Points designated by the Member States, each one comprising of at least three experts who collectively have expertise in the area of asylum and migration, covering aspects of policymaking, law, research and statistics, and who shall co-ordinate and provide the national contributions to the activities referred to in Article 19(1) in order to have contributions from all relevant stakeholders;
- (d) other relevant national and Union level entities in the field of migration and asylum.

6. The Commission shall establish by way of implementing acts the detailed rules for the functioning of the European Migration Network in accordance with the procedure referred to in Article 27(2).

7. The amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted in accordance with the procedure referred to in Article 27(3) and, if possible, combined with the work programme for Union actions and emergency assistance.

8. Financial assistance provided for the activities of the European Migration Network shall take form of grants to the National Contact Points and public contracts as appropriate, in line with the Financial Regulation.

#### *Article 24*

#### **Technical assistance**

1. At the initiative and/or on behalf of the Commission, up to EUR 2,5 million of the Fund shall be annually used for technical assistance in accordance with Article 10 of the Regulation (EU) No .../... [Horizontal Regulation].

2. At the initiative of a Member State, the Fund shall contribute up to 5% of the total amount allocated to the Member State to technical assistance under the national programme in accordance with Article 20 of the Regulation (EU) No .../... [Horizontal Regulation].

## CHAPTER VI

### FINAL PROVISIONS

#### *Article 25*

#### **Specific provisions concerning lump sums for resettlement and relocation**

By way of derogation from the rules on the eligibility of expenditure laid down in Article 18 of the Regulation (EU) No .../... [Horizontal Regulation], in particular as regards the lump sums and flat rates, the lump sums allocated to the Member States for resettlement and/or relocation pursuant to this Regulation shall be:

- exempt from the obligation that they are to be based on statistical or historic data; and
- granted provided that the person in respect of whom the lump sum is allocated was effectively resettled and/or relocated in accordance with this Regulation.

#### *Article 26*

#### **Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of 7 years from date of entry into force of this Regulation. The delegation of powers shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of powers referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

#### *Article 27*

##### **Committee procedure**

1. The Commission shall be assisted by the common Committee 'Asylum, Migration and Security' established by Article 55(1) of the Regulation (EU) No .../... [Horizontal Regulation].

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### *Article 28*

##### **Review**

On the basis of a proposal from the Commission, the European Parliament and the Council shall review this Regulation by 30 June 2020 at the latest.

#### *Article 29*

##### **Applicability of the Regulation (EU) No .../... [Horizontal Regulation]**

The provisions of [Regulation (EU) No .../...] shall apply to this Fund.

#### *Article 30*

##### **Repeal**

The following Decisions are repealed with effect from 1 January 2014:

- (a) Decision No 573/2007/EC;
- (b) Decision No 575/2007/EC;
- (c) Decision 2007/435/EC;
- (d) Decision 2008/381/EC.

#### *Article 31*

##### **Transitional provisions**

1. This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of the projects and annual programmes concerned, until their closure, or of assistance approved by the Commission on the basis of Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC or any other legislation applying to that assistance on 31 December 2013.

This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of financial support approved by the Commission on the basis of Decision 2008/381/EC or any other legislation applying to that assistance on 31 December 2013.

2. When adopting decisions on co-financing under this Regulation, the Commission shall take account of measures adopted on the basis of Decisions No 573/2007/EC, No 575/2007/EC, 2007/435/EC and 2008/381/EC before [date of publication in the Official Journal] which have financial repercussions during the period covered by that co-financing.

3. Sums committed for co-financing approved by the Commission between 1 January 2011 and 31 December 2013 for which the documents required for closure of the actions have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2017, giving rise to the repayment of amounts unduly paid.

4. Amounts relating to actions which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.

#### *Article 32*

#### **Entry into force and application**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

### Indicative multiannual breakdowns per Member States for 2014-2020

| Member State     | Minimum amount          | Statistical data       | TOTAL                  |
|------------------|-------------------------|------------------------|------------------------|
| Austria          | 5.000.000 €             | 63.223.378 €           | 68.223.378 €           |
| Belgium          | 5.000.000 €             | 74.592.179 €           | 79.592.179 €           |
| Bulgaria         | 5.000.000 €             | 6.492.853 €            | 11.492.853 €           |
| Cyprus           | 5.000.000 €             | 22.924.043 €           | 27.924.043 €           |
| Czech Republic   | 5.000.000 €             | 24.608.422 €           | 29.608.422 €           |
| Estonia          | 5.000.000 €             | 5.283.369 €            | 10.283.369 €           |
| Finland          | 5.000.000 €             | 17.858.874 €           | 22.858.874 €           |
| France           | 5.000.000 €             | 259.144.969 €          | 264.144.969 €          |
| Germany          | 5.000.000 €             | 207.601.650 €          | 212.601.650 €          |
| Greece           | 5.000.000 €             | 255.226.050 €          | 260.226.050 €          |
| Hungary          | 5.000.000 €             | 19.064.351 €           | 24.064.351 €           |
| Ireland          | 5.000.000 €             | 17.950.380 €           | 22.950.380 €           |
| Italy            | 5.000.000 €             | 322.612.301 €          | 327.612.301 €          |
| Latvia           | 5.000.000 €             | 8.728.530 €            | 13.728.530 €           |
| Lithuania        | 5.000.000 €             | 4.327.992 €            | 9.327.992 €            |
| Luxembourg       | 5.000.000 €             | 2.200.106 €            | 7.200.106 €            |
| Malta            | 5.000.000 €             | 9.484.725 €            | 14.484.725 €           |
| Netherlands      | 5.000.000 €             | 86.470.175 €           | 91.470.175 €           |
| Poland           | 5.000.000 €             | 56.510.753 €           | 61.510.753 €           |
| Portugal         | 5.000.000 €             | 25.748.854 €           | 30.748.854 €           |
| Romania          | 5.000.000 €             | 15.536.629 €           | 20.536.629 €           |
| Slovakia         | 5.000.000 €             | 8.604.418 €            | 13.604.418 €           |
| Slovenia         | 5.000.000 €             | 10.451.804 €           | 15.451.804 €           |
| Spain            | 5.000.000 €             | 246.997.020 €          | 251.997.020 €          |
| Sweden           | 5.000.000 €             | 117.165.199 €          | 122.165.199 €          |
| United Kingdom   | 5.000.000 €             | 353.190.975 €          | 358.190.975 €          |
| <b>MS Totals</b> | <b>130.000.000,00 €</b> | <b>2.242.000.000 €</b> | <b>2.372.000.000 €</b> |

## ANNEX II

### **List of specific actions according to Article 16**

- (1) Establishment and development in the Union of transit and processing centres for refugees, in particular to support resettlement operations in cooperation with the UNHCR
- (2) New approaches, in cooperation with the UNHCR, concerning access to asylum procedures targeting main countries of transit such as protection programmes for particular groups or certain procedures for examination of applications for asylum
- (3) Joint initiatives amongst Member States in the field of integration, such as benchmarking exercises, peer reviews or testing of European modules, for example on the acquisition of language skills or the organisation of introductory programmes
- (4) Joint initiatives aimed at identification and implementation of new approaches concerning the procedures at first encounter and standards of protection of unaccompanied minors
- (5) Joint return operations, including joint actions on implementation of Union readmission agreements
- (6) Joint reintegration projects in the countries of origin with a view to sustainable return, as well as joint actions to strengthen third countries' capacities to implement Union readmission agreements
- (7) Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin
- (8) Setting up of joint migration centres in third-countries, as well as joint projects to promote cooperation between recruitment agencies and employment services from Member States and third countries

### **ANNEX III**

#### **List of common Union resettlement priorities for 2014-2015**

- (1) The Regional Protection Programme in Eastern Europe (Belarus, Moldova, Ukraine)
- (2) The Regional Protection Programme in the Horn of Africa (Djibouti, Kenya, Yemen)
- (3) The Regional Protection Programme in North Africa (Egypt, Libya, Tunisia)
- (4) Refugees in the region of Eastern Africa / Great Lakes
- (5) Iraqi refugees in Syria, Lebanon, Jordan
- (6) Iraqi refugees in Turkey

## LEGISLATIVE FINANCIAL STATEMENT

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management method(s) envisaged

### **2. MANAGEMENT MEASURES**

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

### **3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
  - 3.2.1. Summary of estimated impact on expenditure
  - 3.2.2. Estimated impact on operational appropriations
  - 3.2.3. Estimated impact on appropriations of an administrative nature
  - 3.2.4. Compatibility with the current multiannual financial framework
  - 3.2.5. Third-party participation in financing
- 3.3. Estimated impact on revenue

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

Communication "Building an open and secure Europe: the home affairs budget for 2014-2020";

Proposal for a Regulation laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management;

Proposal for a Regulation establishing the Asylum and Migration Fund.

#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>26</sup>

Currently Heading 3, Title 18 – Home Affairs

Future Multiannual Financial Perspectives: Heading 3 (Security and citizenship) – "Asylum and Migration Fund"

Nature of the proposal/initiative

- The proposal/initiative relates to **a new action** (home affairs funding for the period 2014-2020)
- The proposal/initiative relates to **a new action following a pilot project/preparatory action**<sup>27</sup>
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

#### 1.3. Objectives

*1.3.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

The final aim of home affairs policies is to create an area without internal borders where EU citizens and third-country nationals may enter, circulate, live and work, bringing new ideas, capital, knowledge and innovation or filling gaps in the national labour markets, confident that their rights are fully respected and their security assured. Cooperation with non-EU countries and international organisations is crucial to achieving this goal.

The growing importance of home affairs policies has been confirmed by the Stockholm Programme and its Action Plan, the implementation of which is a strategic priority for the Union and covers areas such as migration (legal migration and integration; asylum; irregular migration and return), security (prevention of and fight against terrorism and organised crime; police cooperation) and management of

<sup>26</sup> ABM: Activity-Based Management – ABB: Activity-Based Budgeting.

<sup>27</sup> As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

the external borders (including visa policy), as well as the external dimension of these policies. The Lisbon Treaty also enables the Union to demonstrate greater ambition in responding to the day-to-day concerns of citizens in the area of freedom, security and justice. Home affairs policy priorities, in particular the integration of third-country nationals, should also be seen in the context of the seven flagship initiatives presented in the Europe 2020 Strategy which aim to help the EU overcome the current financial and economic crisis and achieve smart, sustainable and inclusive growth.

The Asylum and Migration Fund will provide the financial assistance needed to turn the Union's home affairs objectives into tangible results.

### *1.3.2. Specific objective(s) and ABM/ABB activity(ies) concerned*

#### **ASYLUM AND MIGRATION FUND**

- (a) strengthen and develop the Common European Asylum System, including its external dimension;
- (b) support legal migration to the Union in line with the economic and social needs of Member States and promote the effective integration of third-country nationals, including of asylum seekers and beneficiaries of international protection;
- (c) enhance fair and effective return strategies in the Member States, with emphasis on sustainability of return and effective readmission in the countries of origin;
- (d) enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

Current ABB activities concerned: 18.03 (European Refugee Fund, emergency measures and European Fund for the Integration of Third-Country Nationals) and 18.02 (as far as European Return Fund is concerned).

### *1.3.3. Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The effects of the proposal on beneficiaries/target groups are described in more detail in Section 4.1.2 of the Impact Assessment.

In general, simplification introduced at all levels of the funding process and in each management mode will have a clear beneficial effect on the processes under which financial support will be managed.

The main beneficiaries of the financial support for asylum and migration will be the Member States' departments responsible for the implementation of relevant acquis or policies as well as international organisations or NGOs working in the field of asylum and migration (admission procedures, integration measures and return operations).

The target groups benefitting from the changes are the asylum seekers, beneficiaries of international protection, resettled refugees and other third-country nationals arriving to the EU for various reasons and having different needs (e.g. economic, family reunification, unaccompanied minors, etc.). These target groups will be easier to reach as the merging of different actions concerning the management of

migration into one Fund renders the access to funding easier (one responsible authority, better visibility and clearer scope of intervention) and will allow more flexible support (e.g. same kind of action aiming at several target groups). The scope of intervention will also be broadened, covering the whole migration chain with different target groups, including extended target groups, i.e. third-country nationals of second generation (having mother or father third-country national).

#### 1.3.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

Due to the necessity to conduct a policy dialogue before defining the national programmes, it is not possible to establish at this stage the definitive set of indicators that will be used to measure achievement of the above-mentioned specific objectives.

However, with regard to the area of **asylum and migration** indicators would include, *inter alia*, the level of improvement in asylum reception conditions, in the quality of asylum procedures, in the convergence of recognition rates across Member States, and in Member States' resettlement efforts, the level of increased participation of third-country nationals in employment, education and in democratic processes, the number of returnees and the level of increased mutual assistance between Member States including through practical cooperation and relocation.

### 1.4. **Grounds for the proposal/initiative**

#### 1.4.1. *Requirement(s) to be met in the short or long term*

The EU will continue to face important challenges in the home affairs area in the period 2014-2020. Given demographic changes, structural changes in the labour markets and patterns of competition for skills, a forward-looking legal immigration and integration policy will be crucial for enhancing the EU's competitiveness and social cohesion, enriching our societies and creating opportunities for all. The EU also needs to properly address irregular migration and fight against trafficking in human beings. At the same time, we must continue to show solidarity with those in need of international protection. The completion of a more protective and efficient Common European Asylum System which reflects our values remains a priority.

Cooperation with non-EU countries and international organisations is crucial to achieving these goals. Recent events in Northern Africa have demonstrated how important it is for the EU to have a comprehensive and coordinated approach to migration, borders and security. The increasingly important external dimension of the EU's home affairs policies must therefore be reinforced, in full coherence with the Union's foreign policy.

#### 1.4.2. *Added value of EU involvement*

The management of migration flows presents challenges which cannot be dealt with by the Member States acting alone. This is an area where there is obvious added value in mobilising the EU budget.

Some Member States bear a heavy burden due to their specific geographic situation and the length of the external borders of the Union that they have to manage. The principle of solidarity and the fair sharing of responsibilities between Member States is therefore at the heart of the common policies on

asylum and immigration. The EU budget provides the means to address the financial implications of this principle.

In relation to the external dimension of home affairs, it is clear that the adoption of measures and the pooling of resources at EU level will increase significantly the EU leverage necessary to convince third countries to engage with the EU on those migration related issues which are primarily in the interest of the EU and the Member States.

The EU's right to act in the home affairs area derives from Title V "Area of Freedom, Security and Justice" of the Treaty on the Functioning of the European Union (TFEU), in particular Articles 77(2), 78(2), 79(2) and (4) 82(1), 84 and 87(2) TFEU. Cooperation with third countries and international organisations is covered by Article 212(3) TFEU. The proposals respect the principle of subsidiarity because the majority of funding will be implemented in accordance with the principle of shared management and respecting the institutional competencies of the Member States.

#### *1.4.3. Lessons learned from similar experiences in the past*

Although the current home affairs financial instruments are generally considered to achieve their objectives and function effectively, the lessons learned from the mid-term review and the stakeholder consultation are that there is a need to:

- Simplify and streamline the future home affairs instruments by reducing the number of financial programmes to two through the creation of an Asylum and Migration Fund and an Internal Security Fund. This will allow the EU to make a more strategic use of its instruments so that they are more responsive to the EU's political priorities and needs;
- Strengthen the role of the EU as a global player, by including an external dimension component in the future Funds to reinforce the EU's leverage in respect of the external policy dimension of home affairs policies;
- Give preference to shared management rather than centralised management where possible to remove unnecessary bureaucratic burdens;
- Establish a more results-oriented approach to shared management by moving to multiannual programming with a senior-level policy dialogue will ensure that the Member States' national programmes are fully aligned with EU policy objectives and priorities and focus on achieving results;
- Improve centralised management to provide a range of tools for policy-driven activities, including support for transnational actions, particularly innovative actions and actions in and related to third countries (external dimension), as well as emergency actions, studies and events;
- Establish a common regulatory framework with a shared set of rules on programming, reporting, financial management and controls which is as similar as possible to that of the other EU Funds managed in the shared management mode in order to generate a better understanding of the rules by all stakeholders and to ensure a high degree of coherence and consistency;
- Provide for a quick and effective response in case of emergencies, designing the Funds so that the EU can react appropriately in fast evolving situations;

- Enhance the role of the home affairs agencies to foster practical cooperation between Member States and by entrusting them with the implementation of specific actions, whilst ensuring appropriate political control over the agencies' activities.

More details can be found in the impact assessment and the explanatory memoranda of each Regulation.

#### 1.4.4. *Coherence and possible synergy with other relevant instruments*

A number of other EU instruments will provide support to activities which are complementary to the activities that will be financed under the Asylum and Migration Fund and the Internal Security Fund:

The European Social Fund currently supports integration measures on access to the labour market whereas the Integration Fund finances measures such as civic orientation courses, participation in social and civic life, equal access to services, etc. Integration measures will continue to be supported along the same lines under the Asylum and Migration Fund and the future European Social Fund.

The external dimension component of the Asylum and Migration Fund will support actions in and in relation to third countries which cater primarily for EU interests and objectives, have a direct impact in the EU and its Member States and ensure continuity with activities implemented in the territory of the EU. This funding will be designed and implemented in coherence with EU external action and foreign policy. It is not intended to support actions which are development oriented and will complement, when appropriate, the financial assistance provided through external aid instruments. In this context, the successor to the Thematic Programme Migration & Asylum and the Instrument for Stability will be of particular interest for the home affairs area. While external aid instruments either support beneficiary countries' development needs or support general EU political interests with strategic partners, home affairs funds will support specific actions in third countries in the interest of EU migration policy. They will therefore fill a specific gap and will contribute to completing the toolbox at the disposal of the EU.

#### 1.5. **Duration and financial impact**

Proposal/initiative of **limited duration**

- Proposal/initiative in effect from 01/01/2014 to 31/12/2020
- Financial impact from 2014 to 2023

Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

#### 1.6. **Management mode(s) envisaged<sup>28</sup>**

Centralised direct management by the Commission

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<sup>28</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

- Centralised indirect management with the delegation of implementation tasks to:
- executive agencies
  - bodies set up by the Communities<sup>29</sup>
  - national public-sector bodies/bodies with public-service mission
  - persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation
- Shared management with the Member States
- Decentralised management with third countries
- Joint management with international organisations (*to be specified*)

*If more than one management mode is indicated, please provide details in the "Comments" section.*

Comments:

The proposals will be mainly implemented through shared management, with multi-annual national programmes.

The objectives to be achieved under the national programmes will be complemented by "Union actions" and a rapid response mechanism to deal with emergency situations. These will mainly take the form of grants and procurement under centralised direct management and will include actions in and in relation to third countries.

All possible means will be used to avoid fragmentation by concentrating resources on achieving a limited number of EU objectives and using the expertise of key stakeholders, where appropriate, on the basis of partnership agreements and framework agreements.

Technical assistance at the initiative of the Commission will be implemented by centralised direct management.

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<sup>29</sup> As referred to in Article 185 of the Financial Regulation.

## 2. MANAGEMENT MEASURES

### 2.1. Monitoring and reporting rules

*Specify frequency and conditions.*

For shared management, a coherent and efficient reporting, monitoring and evaluation framework is proposed. For each national programme, Member States will be requested to set up a Monitoring Committee to which the Commission may participate.

On an annual basis Member States will report on the implementation of the multiannual programme. These reports are a precondition for annual payments. To feed into the mid term review process, they will be requested in 2017 to provide additional information on the progress made in achieving the objectives. A similar exercise will be undertaken in 2019, to allow, where appropriate, adjustments during the last financial year (2020).

Supporting the development of an evaluation-based culture in the area of home affairs, the Funds will have a common evaluation and monitoring framework with broad policy related indicators which underline the result-oriented approach of the Funds and the essential role they could play in the policy mix to achieve the objective of creating an area of freedom, security and justice. These indicators relate to the impact the Funds could make: the development of a common culture of border security, police cooperation and crisis management; effective management of migration flows into the EU; fair and equal treatment of third-country nationals; solidarity and co-operation between Member States in addressing migration and internal security issues and a common EU approach on both migration and security towards third countries.

To ensure adequate application of the principles on evaluation, and bearing in mind the practical experience with evaluation in Member States under the current EU funding on home affairs, the Commission and the Member States will work together to develop the common evaluation and monitoring framework, inter alia by defining templates and common output and result indicators.

All measures will be established at the beginning of the programming period, thus enabling Member States to set up their reporting and evaluation systems on the basis of the agreed principles and requirements.

To reduce administrative burden and ensure synergies between reporting and evaluation, the information required for evaluation reports will build on and complete the information provided by Member States in the annual implementation reports of the national programmes.

In 2018, the Commission will also submit a report on the mid term review carried out of the national programmes.

More globally, the Commission will submit an intermediate report on the implementation of the Funds by 31.12.2018 and an ex-post evaluation report by 30.06.2024, covering the whole implementation (i.e. not only national programmes under shared management).

## 2.2. Management and control system

### 2.2.1. Risk(s) identified

DG HOME has not been facing important risks of errors in its spending programmes. This is confirmed by the recurrent absence of significant findings in the annual reports of the Court of Auditors as well as by the absence of residual error rate above 2% in the past years in DG HOME (and former DG JLS) annual activity reports.

In shared management, the general risks in relation to the implementation of the current programmes fall mainly into three categories:

- Risk of inefficient or insufficiently targeted use of funds;
- Errors derived from the complexity of rules and weaknesses in management and control systems;
- Inefficient use of administrative resources (limited proportionality of requirements);

Specific elements concerning the system of the 4 Funds under the General Programme "Solidarity and Management of Migration Flows" are also worth mentioning.

- The system of annual programmes ensures that final payments are made regularly based on certified and audited expenditure. However, the eligibility period of the annual programmes is disconnected from the EU financial year and the chain of assurance is therefore not totally satisfactory, despite a very heavy system.
- Detailed eligibility rules are set by the Commission. This ensures in principle the homogeneity of the expenditure financed. However it also creates unnecessary workload for national authorities and the Commission and increases the risk of errors from beneficiaries and/or Member States due to the misinterpretations of EU rules.
- The current management and control systems are very close to those under the Structural Funds. However, they present slight differences, notably in the chain of responsibilities between certifying authorities and Audit Authorities. This creates confusion in the Member States, in particular when authorities are acting in the 2 types of Funds. It also increases the risk of errors and requires more intense monitoring.

These elements will be changed significantly in this proposal:

- The management and control systems will follow the general requirements set in the CSF Funds and will fully comply with the new requirements of the New Financial Regulation: the 3 authorities will be replaced by 2 authorities (Responsible Authority and Audit Authority) whose roles are clarified in view of providing better assurance.
- Multi-annual programming coupled with annual clearance based on the payments made by the Responsible Authority will align the eligibility periods with the annual accounts of the Commission, without increasing the administrative burden compared to the current system.
- On the spot checks will be carried out as part of the 1<sup>st</sup> level controls, i.e. by the Responsible Authority and will support its annual management declaration of assurance.

- Clarification and simplification of the eligibility rules as well as their harmonisation with other EU financial support instruments will reduce mistakes made by beneficiaries who use assistance from different sources. These eligibility rules will be set at national level, except for some basic principles, similar to those used for the CSF Funds.
- The use of simplified costs options is encouraged, especially for small grants.

In centralised management, the main risks are the following:

- Risk of weak correspondence between the projects received and the political priorities of DG HOME;
- Risk of poor quality of selected projects and poor technical implementation of the project, reducing the programmes' impact; due to inadequate selection procedures, lack of expertise or insufficient monitoring;
- Risk of inefficient or non-economic use of funds awarded, both for grants (complexity of reimbursing actual eligible costs coupled with limited possibilities to check eligible costs at the desk) and for procurement (sometimes limited number of economic providers with the required specialist knowledge entailing insufficient possibilities to compare price offers);
- Risk relating to the capacity of (especially) smaller organisations to effectively control expenditure as well as to ensure the transparency of operations carried out.
- Reputational risk for the Commission, if fraud or criminal activities are discovered; only partial assurance can be drawn from the third parties' internal control systems due to the rather large number of heterogeneous contractors and beneficiaries, each operating their own control system, often rather small in size.

Most of these risks are expected to be reduced thanks to a better targeting of proposals and the use of simplified elements included in the New Financial Regulation.

### 2.2.2. *Control method(s) envisaged*

#### Shared management:

**At Member State level**, the proposed architecture of the management and control systems represents an evolution of the set-up in place in 2007-2013 and preserves most of the functions carried out in the current period including administrative and on-the spot verifications, audits of management and control systems and project audits. The sequence of these functions is nevertheless changed to render on-the spot checks a clear responsibility of the Responsible Authority as part and parcel of the preparation for the annual clearance of account exercise.

In order to reinforce accountability, Responsible Authorities would be accredited by a national accrediting body in charge of their ongoing supervision. The reduction of the number of authorities – no more Certifying Authority and reduction of the number of Funds – is expected to reduce the administrative burden and enhance the possibility for building stronger administrative capacity, but also permit a clearer division of responsibilities.

To date no reliable estimation is available regarding the cost of controls of the shared management Funds in the Home Affairs area. The only estimation available is related to the ERDF and the Cohesion Fund where the costs of tasks related to controls (at national level excluding the costs of the Commission) are estimated around 2% of the total funding administered in the period 2007-2013. These costs are related to the following areas of control: 1% is derived from national coordination and programme preparation, 82% relate to programme management, 4% to certification and 13% to audit.

The following proposals will increase the costs of control:

- the creation and functioning of an accrediting body and in general the change of system;
- the submission of a management declaration accompanying the annual accounts;
- the on-the-spot checks to be made by the Responsible Authority;
- the need for additional audit activity by the Audit Authorities to audit the management declaration.

There are however also proposals which will reduce the costs of control:

- Certifying Authority will cease to exist. Although their functions will be partially transferred to the Responsible Authority, this will allow the Member State to save a substantial part of the costs relating to certification due to better administrative efficiency, reduced need for coordination and reduction of the scope of audits;
- The controls to be performed by the Audit Authority will be more oriented towards re-performing (a sample of) the 1<sup>st</sup> level administrative and on-the spot controls carried out by the Responsible Authority. This will speed up the adversarial procedure and ensure that all necessary controls are carried out before the submission of the annual accounts;
- The use of simplified costs will reduce administrative costs and burdens at all levels, for both administrations and beneficiaries;
- Annual closure, and the limitation of the period for conformity clearance to 36 months will reduce the period of retention of documents for control purposes for public administrations and beneficiaries;
- The setting-up of electronic communication flows between the Commission and the Member States will be mandatory.

To these must be added the elements of simplification listed under §2.2.1 above that will also contribute to the reduction of administrative burden for beneficiaries and thus represent a simultaneous reduction of risks of error and of administrative burden.

Therefore, overall it is expected that these proposals will lead to a redistribution of control costs rather than an increase or a reduction. It is however anticipated that this redistribution of costs (across functions and due to the proportionate control arrangements, also across Member States and programmes) will enable a more effective mitigation of risks and a better and quicker chain of assurance.

**At Commission level**, the cost of management and controls for shared management is not expected to decrease in the first half of the programming period. This is firstly the case because the amount and policy areas concerned by shared management will expand compared to the current period. Therefore maintaining the same resources will already require gains in efficiency. In addition, the first years will be characterised by the conjunction of many important tasks to carry out: closure of programmes 2007-2013 (last closure reports due by 31 March 2016), policy dialogues and approval of the multi-annual national programmes 2014-2020, the setting-up of the new clearance of accounts system. In the second half of the period the potential resources available will be used to improve the evaluation and monitoring.

### Centralised management

As regards centralised management, the Commission will continue to apply its current control system that is composed of the following building blocks: supervision of operations by the operational directorates, the ex-ante control by the Budget and Control Unit, the Internal Procurement Committee (JPS/HPC), the ex-post controls for grants or the audits from the Internal Audit Capacity and/or the Internal Audit Service. The ex-post control sector applies a "detection strategy" aimed at detecting a maximum of anomalies in view of recovering undue payments. Based on this strategy, the audits are carried out on a sample of projects selected almost entirely on the basis of a risk analysis.

Thanks to this combination of ex-ante and ex-post controls as well as desk checks and on-site audits, in the past years the quantifiable average residual error rate was lower than 2%. Therefore, the internal control system as well as its cost is deemed adequate in DG HOME to achieve the objective of a low error rate.

However, within this framework, DG HOME will continue to explore possibilities to enhance the management and to increase simplification. In particular, all simplified options made available in the New Financial Regulation will be used as much as possible as it is expected that they will contribute to the reduction of administrative burden for beneficiaries and thus represent a simultaneous reduction of risks of error and of administrative burden for the Commission.

### New strands

The proposals foresee new strands for EU funding in the home affairs area, e.g. a better use of the expertise existing in the EU agencies, the development of the external dimension and the strengthening of the emergency mechanisms.

These will require new management and control methods for DG Home.

The amounts that will be devoted to these new strands are not fixed yet, but they are unlikely to be significant compared to the overall home affairs budget. However, it will be very important to set up the internal means and working arrangements to implement these new tasks as early as possible within the period, in full respect of the principles of sound financial management.

The analysis above shows clearly that, despite all simplifications introduced, the level of human resources required to implement the increased budget of DG HOME will have to be reinforced.

The human resources required will be met by staff from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation and in the light of budgetary constraints

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

In addition to the application of all regulatory control mechanisms, DG HOME will devise an anti-fraud strategy in line with the Commission's new anti-fraud strategy (CAFS) adopted on 24 June 2011 in order to ensure inter alia that its internal anti-fraud related controls are fully aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses. Where necessary, networking groups and adequate IT tools dedicated to analysing fraud cases related to the Funds will be set up.

As regards shared management, the CAFS identifies clearly the need for the Commission proposals for 2014-2020 regulations to request Member States to put in place fraud prevention measures which are effective and proportionate to the identified fraud risks. The current proposal includes in Article 5 a clear requirement for the Member States to prevent, detect and correct irregularities and to report to the Commission. Further details as regards these obligations will be part of the detailed rules on the functions of the Responsible Authority as foreseen in Article 24(5)(c).

In addition, the re-use of funds coming from financial correction based on commission or Court of Auditors findings has been clearly indicated in Article 41.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing expenditure budget lines

*In order of multiannual financial framework headings and budget lines.*

| Heading of multiannual financial framework | Budget line | Type of expenditure   | Contribution                      |  |                      |   |
|--|-------------|-----------------------|-----------------------------------|--|----------------------|---|
|  | Number      | Diff. <sup>(30)</sup> | from EFTA <sup>31</sup> countries | from candidate countries <sup>32</sup> | from third countries | within the meaning of Article 18(1)(aa) of the Financial Regulation |
| 3  |             | Diff                  | NO                                | NO                                     | NO                   | NO  |

- New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

| Heading of multiannual financial framework | Budget line  | Type of expenditure | Contribution        |                          |                      |   |
|--|--|---------------------|---------------------|--------------------------|----------------------|---|
|  | Number<br>Heading 3  | Diff./non-diff.     | from EFTA countries | from candidate countries | from third countries | within the meaning of Article 18(1)(aa) of the Financial Regulation |
| 3  | 18 01 04 aa<br>Asylum and Migration Fund –<br>Technical assistance | Non<br>Diff         | NO                  | NO                       | NO                   | NO  |
| 3  | 18 02 aa<br>Asylum and Migration Fund                              | Diff                | NO                  | NO                       | NO                   | NO  |

<sup>30</sup> Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations

<sup>31</sup> EFTA: European Free Trade Association.

<sup>32</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places)

|  |                 |                          |
|--|-----------------|--------------------------|
| <b>Heading of multiannual financial framework:</b> | <b>Number 3</b> | Security and Citizenship |
|--|-----------------|--------------------------|

| DG HOME   |             |             | 2014           | 2015           | 2016           | 2017           | 2018           | 2019           | 2020           |                  | TOT        |
|---|-------------|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|------------|
| <b>• Operational appropriations (current prices)</b>  |             |             |                |                |                |                |                |                |                |                  |            |
| 18 02 aa<br>Asylum and Migration Fund   | Commitments | (1)         | 517.492        | 527.892        | 538.500        | 549.320        | 560.356        | 571.613        | 586.266        | -                | 3,8        |
|   | Payments    | (2)         | 90.085         | 102.823        | 270.844        | 420.790        | 532.681        | 543.385        | 554.303        | 1,336.528        | 3,8        |
|   |             |             |                |                |                |                |                |                |                |                  |            |
| <b>Appropriations of an administrative nature financed from the envelope for specific programmes<sup>33</sup></b> |             |             |                |                |                |                |                |                |                |                  |            |
| 18 01 01 aa<br>Asylum and Migration Fund  |             | (3)         | 2.500          | 2.500          | 2.500          | 2.500          | 2.500          | 2.500          | 2.500          |                  |            |
| <b>TOTAL appropriations for DG HOME</b>   | Commitments | =1+1a<br>+3 | <b>519.992</b> | <b>530.392</b> | <b>541.000</b> | <b>551.820</b> | <b>562.856</b> | <b>574.113</b> | <b>588.766</b> |                  | <b>3,8</b> |
|   | Payments    | =2+2a<br>+3 | <b>92.585</b>  | <b>105.323</b> | <b>273.344</b> | <b>423.290</b> | <b>535.181</b> | <b>545.885</b> | <b>556.803</b> | <b>1,336.528</b> | <b>3,8</b> |

<sup>33</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

|  |          |                                       |
|--|----------|---------------------------------------|
| <b>Heading of multiannual financial framework:</b> | <b>5</b> | <b>" Administrative expenditure "</b> |
|--|----------|---------------------------------------|

As there are common elements in the implementation of the Asylum and Migration Fund and the Internal Security Fund such as a policy dialogue with each Member States and given that the internal organisation of DG HOME in order to ensure the management of the new Funds (as well as the closure of the programmes currently managed) may evolve, it is not possible to split the Administrative expenditure between the Asylum and Migration Fund and the Internal Security Fund.

Therefore the figures related to Heading 5 below correspond to the total administrative expenditure deemed necessary to ensure management of both Funds by DG and there is no total of appropriations.

EUR million (to 3 decimal places)

|                                    |               | 2014          | 2015          | 2016          | 2017          | 2018          | 2019          | 2020   | After 2020     | TO       |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------|----------------|----------|
| <b>DG: HOME</b>                    |               |               |               |               |               |               |               |        |                |          |
| • Human resources                  |               | 20.841        | 20.841        | 20.841        | 20.841        | 20.841        | 20.841        | 20.841 |                | 1        |
| • Other administrative expenditure |               | 0,156         | 0,159         | 0,162         | 0,165         | 0,168         | 0,172         | 0,175  |                |          |
| <b>TOTAL DG HOME</b>               | <b>20.997</b> | <b>21.000</b> | <b>21.003</b> | <b>21.006</b> | <b>21.009</b> | <b>21.013</b> | <b>21.016</b> |        | <b>147.044</b> | <b>1</b> |

|  |                                      |               |               |               |               |               |               |               |  |          |
|--|--------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--|----------|
| <b>TOTAL appropriations under HEADING 5 of the multiannual financial framework</b> | (Total commitments = Total payments) | <b>20.997</b> | <b>21.000</b> | <b>21.003</b> | <b>21.006</b> | <b>21.009</b> | <b>21.013</b> | <b>21.016</b> |  | <b>1</b> |
|--|--------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--|----------|

EUR million (to 3 decimal places)

|  |             | 2014       | 2015       | 2016       | 2017       | 2018       | 2019       | 2020       |            | TO |
|--|-------------|------------|------------|------------|------------|------------|------------|------------|------------|----|
| <b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework</b> | Commitments | <b>N/A</b> |    |
|  | Payments    |            |            |            |            |            |            |            |            |    |

3.2.2. *Estimated impact on operational appropriations*

–  The proposal/initiative does not require the use of operational appropriations

–  The proposal requires the use of operational appropriations, as explained below:

Home Affairs policy is implemented mainly by shared management. While spending priorities are set at the EU level, actual day-to-day management is vested in Responsible Authorities at national level. Common output indicators and targets will be decided together by the Commission and the Responsible Authorities as part of their national programmes, and approved by the Commission. It is therefore difficult to indicate targets for outputs until the programmes are drafted, negotiated and approved in 2013/14.

As regards centralised management, it is also not possible for DG HOME to provide an exhaustive list of all outputs to be delivered by means of the financial intervention under the Funds, their average costs and numbers, as requested by this section. There are no statistical tools at the moment allowing the calculation of meaningful average costs on the basis of the current programmes, and such a precise definition would be contrary to the principle that the future programme should provide enough flexibility to cater for adapting to political priorities between 2014-2020. This is particularly true for emergency assistance and actions in and in relation to third countries.

Commitment appropriations in EUR million (to 3 decimal places)

| Indicate objectives and outputs           |                              |                            | Year N            | Year N+1 | Year N+2          | Year N+3 | ... enter as many years as necessary to show the duration of the impact (see point 1.6) |      |                   |      |                   |      |                   |      |                   |      | TOTAL                   |            |
|---|------------------------------|----------------------------|-------------------|----------|-------------------|----------|---|------|-------------------|------|-------------------|------|-------------------|------|-------------------|------|-------------------------|------------|
|   | OUTPUTS                      |                            |                   |          |                   |          |   |      |                   |      |                   |      |                   |      |                   |      |                         |            |
| ↓   | Type of output <sup>34</sup> | Average cost of the output | Number of outputs | Cost     | Number of outputs | Cost     | Number of outputs   | Cost | Number of outputs | Cost | Number of outputs | Cost | Number of outputs | Cost | Number of outputs | Cost | Total number of outputs | Total cost |
| SPECIFIC OBJECTIVE No 1 <sup>35</sup> ... |                              |                            |                   |          |                   |          |   |      |                   |      |                   |      |                   |      |                   |      |                         |            |
| - Output                                  |                              |                            |                   |          |                   |          |   |      |                   |      |                   |      |                   |      |                   |      |                         |            |
| - Output                                  |                              |                            |                   |          |                   |          |   |      |                   |      |                   |      |                   |      |                   |      |                         |            |

<sup>34</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>35</sup> As described in Section 1.4.2. "Specific objective(s)..."

|                                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| - Output                             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sub-total for specific objective N°1 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| SPECIFIC OBJECTIVE No 2...           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| - Output                             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sub-total for specific objective N°2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>TOTAL COST</b>                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- The proposal/initiative does not require the use of administrative appropriations
- The proposal requires the use of administrative appropriations, as explained below:

As there are common elements in the implementation of the Asylum and Migration Fund and the Internal Security Fund such as a policy dialogue with each Member States and given that the internal organisation of DG HOME in order to ensure the management of the new Funds (as well as the closure of the programmes currently managed) may evolve, it is not possible to split the Administrative expenditure between the Asylum and Migration Fund and the Internal Security Fund.

Therefore the figures related to Heading 5 below correspond to the total administrative expenditure deemed necessary to ensure management of both Funds by DG and there is no total of appropriations.

EUR million (to 3 decimal places) **HOME**

| <b>HEADING 5 of the multiannual financial framework<sup>36</sup></b> | <b>2014</b>   | <b>2015</b>   | <b>2016</b>   | <b>2017</b>   | <b>2018</b>   | <b>2019</b>   | <b>2020</b>   | <b>TOTAL</b>   |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Human resources HOME   | 20.841        | 20.841        | 20.841        | 20.841        | 20.841        | 20.841        | 20.841        | <b>145,887</b> |
| Other administrative expenditure                                     | 0,156         | 0,159         | 0,162         | 0,165         | 0,168         | 0,172         | 0,175         | <b>1,157</b>   |
| <b>Subtotal HEADING 5 of the multiannual financial framework</b>     | <b>20.997</b> | <b>21.000</b> | <b>21.003</b> | <b>21.006</b> | <b>21.009</b> | <b>21.013</b> | <b>21.016</b> | <b>147.044</b> |

| <b>Outside HEADING 5<sup>37</sup> of the multiannual financial framework<sup>38</sup></b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>TOTAL</b>  |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| Human resources HOME  | 0.640       | 0.640       | 0.640       | 0.640       | 0.640       | 0.640       | 0.640       | <b>4.480</b>  |
| Other expenditure of an administrative nature   | 1.860       | 1.860       | 1.860       | 1.860       | 1.860       | 1.860       | 1.860       | <b>13.020</b> |

<sup>36</sup> Global envelope, based on the 2011 Final Allocation for Human Resources, including officials and external staff

<sup>37</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

<sup>38</sup> External staff financed from former BA lines, based on the 2011 Final Allocation for Human Resources, including external staff at Headquarters and in Delegations

|  |              |              |              |              |              |              |              |               |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| <b>Subtotal<br/>outside HEADING 5<br/>of the multiannual<br/>financial framework</b> | <b>2.500</b> | <b>17.500</b> |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|

|              |            |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>TOTAL</b> | <b>N/A</b> |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|

### 3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources
- The proposal/initiative requires the use of human resources, as explained below: Figures used for the year n are the ones for 2011.

As there are common elements in the implementation of the Asylum and Migration Fund and the Internal Security Fund such as a policy dialogue with each Member States and given that the internal organisation of DG HOME in order to ensure the management of the new Funds (as well as the closure of the programmes currently managed) may evolve, it is not possible to split the Administrative expenditure between the Asylum and Migration Fund and the Internal Security Fund.

Therefore the figures related to Heading 5 below correspond to the total administrative expenditure deemed necessary to ensure management of both Funds by DG and there is no total of appropriations.

*Estimate to be expressed in full amounts (or at most to one decimal place)*

|  | Year<br>N                       | Year<br>N+1 | Year<br>N+2 | Year N+3   | Year<br>N+4 | Year<br>N+5 | Year<br>N+6 |
|--|---------------------------------|-------------|-------------|------------|-------------|-------------|-------------|
| <b>• Establishment plan posts (officials and temporary agents) HOME</b>      |                                 |             |             |            |             |             |             |
| 18 01 01 01 (Headquarters and Commission's Representation Offices)           | 136                             | 136         | 136         | 136        | 136         | 136         | 136         |
| XX 01 01 02 (Delegations)  | 15                              | 15          | 15          | 15         | 15          | 15          | 15          |
| 18 01 05 01 (Indirect research)  |                                 |             |             |            |             |             |             |
| 10 01 05 01 (Direct research)  |                                 |             |             |            |             |             |             |
| <b>• External personnel (in Full Time Equivalent unit: FTE)<sup>39</sup></b> |                                 |             |             |            |             |             |             |
| 18 02 01 (CA, INT, SNE from the "global envelope")                           | 16                              | 16          | 16          | 16         | 16          | 16          | 16          |
| XX 02 02 (CA, INT, JED, LA and SNE in the delegations)                       | 10                              | 10          | 10          | 10         | 10          | 10          | 10          |
| <b>18 01 04 aa</b> <sup>40</sup>   | - at Headquarters <sup>41</sup> | 10          | 10          | 10         | 10          | 10          | 10          |
|  | - in delegations                | *           | *           | *          | *           | *           | *           |
| XX 01 05 02 (CA, INT, SNE - Indirect research)                               |                                 |             |             |            |             |             |             |
| 10 01 05 02 (CA, INT, SNE - Direct research)                                 |                                 |             |             |            |             |             |             |
| Other 13 01 04 02)   |                                 |             |             |            |             |             |             |
| <b>TOTAL</b>   | <b>N/A</b>                      | <b>N/A</b>  | <b>N/A</b>  | <b>N/A</b> | <b>N/A</b>  | <b>N/A</b>  | <b>N/A</b>  |

<sup>39</sup> CA= Contract Agent; INT= agency staff ("Intérimaire"); JED= "Jeune Expert en Délégation" (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert;

<sup>40</sup> Under the ceiling for external personnel from operational appropriations (former "BA" lines).

<sup>41</sup> Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation and in the light of budgetary constraints. Amounts and imputations would be adjusted in the event of any externalisation process to an Executive Agency.

Description of tasks to be carried out:

|   |   |
|---|---|
| <p>Officials and temporary agents at headquarters</p> | <p>The tasks to be carried out comprise all tasks necessary to the management of a financial programme, such as:</p> <ul style="list-style-type: none"> <li>- providing input to the budgetary procedure;</li> <li>- conducting the policy dialogue with Member States;</li> <li>- preparing annual work programmes/financing decisions, establishing annual priorities, approving national programmes;</li> <li>- managing national programmes, calls for proposals and calls for tenders and the subsequent selection procedures;</li> <li>- communicating with stakeholders (potential/actual beneficiaries, Member States, etc);</li> <li>- drafting guidelines to Member States</li> <li>- managing projects, operationally and financially;</li> <li>- performing controls, as described above (ex ante verification, procurement committee, ex post audits, internal audit, clearance of accounts);</li> <li>- accounting;</li> <li>- developing and managing grant and national programme management IT tools;</li> <li>- monitoring and reporting on achievement of objectives, including in Annual Activity Report and Authorizing Officer by sub-Delegation reports</li> </ul> |
| <p>External personnel</p>                             | <p>The tasks are similar to those of officials and temporary agents, except for tasks that cannot be fulfilled by external personnel</p>  |
| <p>Personnel in delegations</p>                       | <p>To accompany the development of policy implementation in the home affairs area, and in particular its external dimension, EU delegations will need to be equipped with sufficient home affairs expertise. This could be staff from the European Commission and/or the European External Action Service.</p>  |

3.2.4. *Compatibility with the current multiannual financial framework*

- Proposal/initiative is compatible the **next** multiannual financial framework.
- Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>42</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties
- The proposal provides that European funding needs to be co-financed. The exact amount cannot be quantified. The regulation establishes maximum co-financing rates differentiated in line with the types of actions:

Appropriations in EUR million (to 3 decimal places)

|                                 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|---------------------------------|------|------|------|------|------|------|------|-------|
| Specify the co-financing body   | MS   |       |
| TOTAL appropriations cofinanced | tbd  |       |

---

<sup>42</sup> See points 19 and 24 of the Interinstitutional Agreement.

### 3.3. Estimated impact on revenue

- Proposal/initiative has no financial impact on revenue.
- Proposal/initiative has the following financial impact:
  - on own resources
  - on miscellaneous revenue

EUR million (to 3 decimal places)

| Budget revenue line: | Appropriations available for the ongoing budget year | Impact of the proposal/initiative <sup>43</sup> |          |          |          |  |  |  |
|----------------------|--|---|----------|----------|----------|--|--|--|
|                      |  | Year N  | Year N+1 | Year N+2 | Year N+3 | ... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6) |  |  |
| Article .....        |  |   |          |          |          |  |  |  |

For miscellaneous assigned revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

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<sup>43</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.