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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	28 May 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 286 final - Annexes 1 to 3
Subject:	ANNEXES accompanying the Proposal for a COUNCIL DECISION establishing provisional measures in the area of international protection for the benefit of Italy and Greece

Delegations will find attached document COM(2015) 286 final - Annexes 1 to 3.

Encl.: COM(2015) 286 final - Annexes 1 to 3



Brussels, 27.5.2015
COM(2015) 286 final

ANNEXES 1 to 3

ANNEXES

accompanying the

Proposal for a COUNCIL DECISION

**establishing provisional measures in the area of international protection for the benefit
of Italy and Greece**

ANNEXES

accompanying the

Proposal for a COUNCIL DECISION

establishing provisional measures in the area of international protection for the benefit of Italy and Greece

ANNEX I

Distribution key for Italy

	Overall key	Allocation per Member State (24 000 applicants relocated)
Austria	3,03%	728
Belgium	3,41%	818
Bulgaria	1,43%	343
Croatia	1,87%	448
Cyprus	0,43%	104
Czech Republic	3,32%	797
Estonia	1,85%	443
Finland	1,98%	475
France	16,88%	4 051
Germany	21,91%	5 258
Hungary	2,07%	496
Latvia	1,29%	310
Lithuania	1,26%	302
Luxembourg	0,92%	221
Malta	0,73%	175
Netherlands	5,12%	1 228
Poland	6,65%	1 595

Portugal	4,25%	1 021
Romania	4,26%	1 023
Slovakia	1,96%	471
Slovenia	1,24%	297
Spain	10,72%	2 573
Sweden	3,42%	821

The key is based on the following criteria^{1 2}:

- a) The size of the population (2014 figures, 40% weighting). This criterion reflects the capacity of a Member State to absorb a certain number of refugees;
- b) Total GDP (2013 figures, 40% weighting). This criterion reflects the absolute wealth of country and is indicative for the capacity of an economy to absorb and integrate refugees;
- c) Average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10% weighting). This criterion reflects the efforts made by Member States in the recent past;
- d) Unemployment rate (2014 figures, 10% weighting). This criterion reflects the capacity to integrate refugees.

¹ Calculations are based on statistical information provided by Eurostat (consulted on 8 April 2015).
² The percentage calculations were made to five decimal places and rounded up or down to two decimal places for presentation in the table; allocations of persons were made on the basis of the full figures to five decimal places.

ANNEX II

Distribution key for Greece

	Overall key	Allocation per Member State (16 000 applicants relocated)
Austria	3,03%	485
Belgium	3,41%	546
Bulgaria	1,43%	229
Croatia	1,87%	299
Cyprus	0,43%	69
Czech Republic	3,32%	531
Estonia	1,85%	295
Finland	1,98%	317
France	16,88%	2 701
Germany	21,91%	3 505
Hungary	2,07%	331
Latvia	1,29%	207
Lithuania	1,26%	201
Luxembourg	0,92%	147
Malta	0,73%	117
Netherlands	5,12%	819
Poland	6,65%	1 064
Portugal	4,25%	680
Romania	4,26%	682
Slovakia	1,96%	314
Slovenia	1,24%	198
Spain	10,72%	1 715
Sweden	3,42%	548

The key is based on the following criteria^{3 4}:

- a) The size of the population (2014 figures, 40% weighting). This criterion reflects the capacity of a Member State to absorb a certain number of refugees;
- b) Total GDP (2013 figures, 40% weighting). This criterion reflects the absolute wealth of country and is indicative for the capacity of an economy to absorb and integrate refugees;
- c) Average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10% weighting). This criterion reflects the efforts made by Member States in the recent past;
- d) Unemployment rate (2014 figures, 10% weighting). This criterion reflects the capacity to integrate refugees.

³ Calculations are based on statistical information provided by Eurostat (consulted on 8 April 2015).

⁴ The percentage calculations were made to five decimal places and rounded up or down to two decimal places for presentation in the table; allocations of persons were made on the basis of the full figures to five decimal places.

ANNEX III

Legislative financial statement

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

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LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Council Implementing Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece
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1.2. Policy area(s) concerned in the ABM/ABB structure⁵

18 – Migration and Home Affairs

1.3. Nature of the proposal/initiative

- The proposal/initiative relates to **a new action**
- The proposal/initiative relates to **a new action following a pilot project/preparatory action**⁶
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

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

The European Agenda on Migration COM(2015) 240 final adopted on 13/05/2015 states the following:
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"Responding to high-volumes of arrivals within the EU: Relocation

Member States' asylum systems today face unprecedented pressure and, with the summer arriving, the flow of people to frontline Member States will continue in the months to come. The EU should not wait until the pressure is intolerable to act: the volumes of arrivals mean that the capacity of local reception and processing facilities is already stretched thin. To deal with the situation in the Mediterranean, the Commission will, by the end of May, propose triggering the emergency response system envisaged under Article 78(3) TFEU. The proposal will include a temporary distribution scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort. The receiving Member State will be responsible for the examination of the application in accordance with established rules and guarantees. A redistribution key based on criteria such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees can be found in the Annex."

⁵ ABM: activity-based management; ABB: activity-based budgeting.

⁶ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

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

Specific objective No 4

To enhance solidarity and responsibility-sharing between the Member States, in particular with those most affected by migration and asylum flows, including through practical cooperation

ABM/ABB activity(ies) concerned

18.03 – Asylum and Migration

1.4.3. *Expected result(s) and impact*

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

Relocation of 40.000 applicants from Italy and Greece to the other Member States.

1.4.4. *Indicators of results and impact*

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

Number of applicants relocated

1.5. Grounds for the proposal/initiative

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

This proposal is presented as result of a prevailing crisis in the area of asylum in Italy and Greece. The proposal based on Article 78(3) of the Treaty aims at preventing further deterioration of the asylum situation in these two countries and at providing them with effective support.

In its 23 April 2015 statement, the European Council committed to consider options for organising emergency relocation between all Member States on a voluntary basis. In its 28 April 2015 resolution, the European Parliament has called upon the Council to seriously consider the possibility of triggering Article 78(3) of the Treaty.

1.5.2. *Added value of EU involvement*

The emergency situation created by the sudden influx of third-country nationals in Italy and Greece puts their asylum systems and resources under considerable strain. As a consequence of this, other Member States can become affected, due to the secondary movements of these persons from Italy and Greece to these other Member States. It is clear that actions of individual Member States cannot satisfactorily reply to the common challenges all Member States are confronted with in this. EU action in this field is therefore essential.

1.5.3. *Lessons learned from similar experiences in the past*

This is the first time that a proposal is made under Article 78(3) of the Treaty.

1.5.4. *Compatibility and possible synergy with other appropriate instruments*

The AMIF foresees the possibility of transfer of applicants for international protection as part of the national programme of each Member State on a voluntary basis.

1.6. Duration and financial impact

Proposal/initiative of **limited duration**

- Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from 2015 to 2017

Proposal/initiative of **unlimited duration**

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

1.7. Management mode(s) planned

Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
 - international organisations and their agencies (to be specified);
 - the EIB and the European Investment Fund;
 - bodies referred to in Articles 208 and 209 of the Financial Regulation;
 - public law bodies;
 - bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
 - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
 - persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

This legislative financial statement shows the amounts which are necessary to cover the cost of relocation of applicants for international protection from Italy and Greece to other Member States. The commitments appropriations should be added to the current allocation of the

Asylum, Migration and Integration Fund (AMIF) on the budget ligne 18.030101. The calculation of the payment needs is based on Regulation (EU) N°514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (Horizontal 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 in place. For each national programme, Member States are 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 in the framework of the clearance of accounts procedure, set out in Regulation (EU) N° 514/2014 (Horizontal Regulation).

In 2018, the Commission will also submit a report on the mid term review carried out of the national programmes which will include the implementation of the financial resources made available by this Council Decision.

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 annual activity reports.

The management and control system follows the general requirements set in the CSF Funds and fully complies with the requirements of the Financial Regulation.

Multi-annual programming coupled with annual clearance based on the payments made by the Responsible Authority aligns 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 1st level controls, i.e. by the Responsible Authority and will support its annual management declaration of assurance.

The use of lump sums (simplified cost option) shall further reduce mistakes made by the responsible authorities when implementing this Decision.

2.2.2. *Information concerning the internal control system set up*

In addition to the application of all regulatory control mechanisms, DG HOME will devise an antifraud 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.

2.2.3. *Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error*

Negligable control costs and very low error risk.

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

Specify existing or envisaged prevention and protection measures.

The standard measures in DG HOME for the prevention of fraud and irregularities will apply.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

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

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number 3 Security and citizenship	Diff./Non-diff. ⁷	from EFTA countries ⁸	from candidate countries ⁹	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	18.030101	Diff.	NO	NO	NO	NO

- New budget lines requested: N/A

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [...][Heading.....]]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[...][XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

⁷ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁸ EFTA: European Free Trade Association.

⁹ 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 three decimal places)

Heading of multiannual financial framework	Number	3 - Security and citizenship
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DG: HOME			Year 2015	Year 2016	Year 2017	Year 2018	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
• Operational appropriations										
18.030101	Commitments	(1)	12	150	78					240
	Payments	(2)	16,8	4,8	162	56,4				240
Number of budget line	Commitments	(1a)								
	Payments	(2a)								
Appropriations of an administrative nature financed from the envelope of specific programmes ¹⁰										
Number of budget line		(3)								
TOTAL appropriations for DG HOME	Commitments	=1+1a +3	12	150	78					240
	Payments	=2+2a +3	16,8	4,8	162	56,4				240

¹⁰ 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.

• TOTAL operational appropriations	Commitments	(4)	12	150	78						240
	Payments	(5)	16,8	4,8	162	56,4					240
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)									
TOTAL appropriations under HEADING 3 of the multiannual financial framework	Commitments	=4+ 6	12	150	78						240
	Payments	=5+ 6	16,8	4,8	162	56,4					240

If more than one heading is affected by the proposal / initiative:

• TOTAL operational appropriations	Commitments	(4)									
	Payments	(5)									
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)									
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6									
	Payments	=5+ 6									

Heading of multiannual financial framework	5	'Administrative expenditure'
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EUR million (to three decimal places)

		Year 2015	Year 2016	Year 2017	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: HOME									
• Human resources		0,528	0,528	0,528					1,584
• Other administrative expenditure		0,002	0,0145	0,0145					0,031
TOTAL DG HOME	Appropriations	0,530	0,5425	0,5425					1,615

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)	0,530	0,5425	0,5425					1,615
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EUR million (to three decimal places)

		Year 2015	Year 2016	Year 2017	Year 2018	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments	12,530	150,542 5	78,5425					241,615
	Payments	17,330	5,3425	162,542 5	56,400				241,615

3.2.2. *Estimated impact on operational appropriations*

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

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year 2015		Year 2016		Year 2017		Year N+3		Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL		
	OUTPUTS																		
	Type ¹¹	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost	
SPECIFIC OBJECTIVE No 1 ¹² Relocation of applicants for international protection from Italy and Greece																			
- Output	Number of applicant	6000	2000	12	25000	150	13000	78									40000	240	
- Output																			
Subtotal for specific objective No 1																			
SPECIFIC OBJECTIVE No 2 ...																			
- Output																			
Subtotal for specific objective No 2																			

¹¹ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

¹² As described in point 1.4.2. ‘Specific objective(s)...’

TOTAL COST	2000	12	25000	150	13000	78									40000	240
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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 appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year 2015	Year 2016	Year 2017	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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HEADING 5 of the multiannual financial framework							
Human resources	0,528	0,528	0,528				1,584
Other administrative expenditure	0,002	0,0145	0,015				0,0310
Subtotal HEADING 5 of the multiannual financial framework	0,530	0,5425	0,5425				1,615

Outside HEADING 5¹³ of the multiannual financial framework							
Human resources							
Other expenditure of an administrative nature							
Subtotal outside HEADING 5 of the multiannual financial framework							

TOTAL	0,530	0,5425	0,5425				1,615
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations 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 procedure and in the light of budgetary constraints.

¹³ 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.

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:

Estimate to be expressed in full time equivalent units

	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)		
• Establishment plan posts (officials and temporary staff)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)	4	4	4				
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External staff (in Full Time Equivalent unit: FTE)¹⁴							
XX 01 02 01 (AC, END, INT from the 'global envelope')							
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
XX 01 04 yy ¹⁵	- at Headquarters						
	- in Delegations						
XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL							

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who 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 procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Support, process and monitor the activities in the area of relocation of applicant for
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¹⁴ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

¹⁵ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

	international protection at the level of the Commission, and assist the Member States in developing this activity.
External staff	

3.2.4. *Compatibility with the current multiannual financial framework*

- The proposal/initiative is compatible the current multiannual financial framework.
- The 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.

[...]

- The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

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/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	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
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

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

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ¹⁶					Enter as many years as necessary to show the duration of the impact (see point 1.6)		
		Year N	Year N+1	Year N+2	Year N+3				
Article									

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

[...]

Specify the method for calculating the impact on revenue.

[...]

¹⁶ 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.