General programme "Solidarity and Management of Migration Flows": European Fund for the Integration of Third-country nationals, 2007-2013

2005/0048(CNS) - 25/06/2007 - Final act

PURPOSE: to establish the **European Fund for the Integration of third-country nationals**.

LEGISLATIVE ACT: Council Decision 2007/435/EC establishing the European Fund for the Integration of third-country nationals for the period 2007 to 013 as part of the General programme 'Solidarity and Management of Migration Flows'.

BACKGROUND: the EU is committed to the progressive establishment of an area of freedom, security and justice. These three key objectives are to be developed in parallel and to the same degree of intensity to allow for a balanced approach based on the principles of democracy, respect for fundamental rights and freedoms, and the rule of law.

In 2004 the European Council adopted the Hague Programme in which the need for the EU to contribute towards an equitable and effective international protection system and to provide access to protection and durable solutions was underlined. The Hague Programme also called for the establishment of appropriate structures involving the national asylum services of the Member States in order to facilitate practical and collaborative cooperation; the ultimate aim being an EU-wide single procedure and the joint compilation, assessment and application of country of origin information.

The "Solidarity and Management of Migration flows" general programme is to support the principle of solidarity in managing people flows by ensuring a fair share of responsibilities between the Member States (as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders) and the implementation of common policies on asylum and immigration.

For these policies to succeed funding is needed. For this reason the EU has adopted four legislative acts setting up four separate, though related, Funds:

- The European Refugee Fund
- The External Borders Fund
- The Fund for the Integration of third country nationals
- The European Return Fund

CONTENT: This Decision establishes for the period from 1 January 2007 to 31 December 2013 the European Fund for integration of third-country nationals (the Fund), in order to contribute to the strengthening of the area of freedom, security and justice and the application of the principle of solidarity between the Member States.

The Decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources. It

establishes the Fund's management rules, including financial rules, as well as monitoring and control mechanisms based on the sharing of responsibilities between the Commission and the Member States.

Third-country nationals who are on the territory of a third country and who are complying 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 this Member State fall under the scope of this Decision. However, third-country nationals who have applied for asylum in respect of which a final decision has not yet been taken, or enjoy refugee or subsidiary protection status, or qualify as refugees or are eligible for subsidiary protection in accordance with Council Directive 2004/83/EC shall be excluded from the scope of the Decision.

General objective of the Fund: this is to support the efforts made by the Member States in enabling third-country nationals of different economic, social, cultural, religious, linguistic and ethnic backgrounds to fulfil the conditions of residence and to facilitate their integration into the European societies. The Fund shall primarily focus on actions relating to the integration of newly arrived third-country nationals.

Specific objectives: the Fund will contribute to the following specific objectives:

- facilitation of the development and implementation of admission procedures relevant to and supportive of the integration process of third-country nationals. **Eligible actions** under this heading include: facilitating the development and implementation by Member States of admission procedures; rendering the implementation of admission procedures more effective and accessible to third-country nationals; and preparing third-country nationals for their integration into host society in a better way;
- development and implementation of the integration process of newly-arrived third-country nationals in Member States. Eligible actions in the Member States include: setting up programmes aiming at introducing newly arrived third-country nationals to the host society; developing the quality of such programmes and activities at local and regional level; and reinforcing the capacity of such programmes and activities to reach out to particular groups, such as dependants of persons subject to admission procedures, children, women, elderly, illiterate or persons with disabilities;
- increasing of the capacity of Member States to develop, implement, monitor and evaluate policies and measures for the integration of third-country nationals;
- exchange of information, best practices and cooperation in and between Member States in developing, implementing, monitoring and evaluating policies and measures for the integration of third-country nationals. Eligible actions in the Member States under these latter two headings include: improving the access of third-country nationals to public and private goods and services, inter alia by intermediary services, interpretation and translation services; building sustainable organisational structures for integration and diversity management; developing intercultural training, capacity building and diversity management, training of staff within public and private service providers, including educational institutions.

Financial provisions: The financial envelope for the implementation of actions financed by the Fund shall be **EUR 825 million** (please refer to the financial statement).

Annual distribution of resources for eligible actions in the Member States: each Member State shall receive a fixed amount of EUR 500 000 from the Fund's annual allocation. This amount shall be fixed at EUR 500 000 per annum for Member States which will accede to the European Union during the period from 2007 to 2013, for the remaining part of the period from 2007 to 2013 as from the year following their accession. The remainder of the available annual resources shall be broken down between the Member States as follows:

(a) 40 % in proportion to the average of the total number of legally residing third-country nationals in Member States over the previous three years; and

(b) 60 % in proportion to the number of third-country nationals who have obtained an authorisation issued by a Member State to reside on its territory over the previous three years.

However, for the purpose of the calculation the following categories of persons shall not be included: (a) seasonal workers; (b) third country nationals admitted for the purposes of studies, pupil exchange, unremunerated training or voluntary service in accordance with Council Directive 2004/114/EC; (c) third country nationals admitted for purposes of scientific research ; (d) third country nationals who have received a renewal of an authorisation issued by a Member State or a change of status, including third-country nationals who acquire long-term resident status in accordance with Council Directive 2003/109 /EC.

Reporting: On the basis of strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account its specific situation and needs and setting out its development strategy that should constitute the framework for the implementation of the actions to be listed in the annual programmes. The final report on the implementation of the annual programme shall include the following information in order to obtain a clear view of the implementation of the programme: a) the financial and operational implementation of the annual programme; b) the progress made in implementing the multi-annual programme and its priorities in relation to its specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators; c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular: i) monitoring and evaluation measures, including data collection arrangements; ii) a summary of any significant problems encountered in implementing the operational programme and any measures taken; iii) the use made of technical assistance; d) the measures taken to provide information on and make public the annual and multi-annual programmes.

Territorial provisions:the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Decision. On the other hand, Denmark shall not participate in this Decision.

Review: The Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013.

ENTRY INTO FORCE: 29/06/2007. This Decision shall apply from 1 January 2007.