

# Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 13/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 459 to 96 votes with 14 abstentions, a legislative resolution for a regulation 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.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They modify the proposal as follows:

**Integrated approach:** it is necessary to adopt an integrated approach to questions arising from the pressure of migration and asylum applications and regarding the management of EU external borders, ensuring full respect for international and human rights law, **showing solidarity amongst all Member States** and demonstrating an awareness of the need to respect national responsibilities.

**General principles:** the Regulation lays down the general provisions **on the Asylum and Migration Fund** for the period 2014-2020 and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

It is stipulated that the Specific Regulations that provide support bring an **added value** for the Union and take account of the specific context in each Member State.

The Commission and the Members States, together with the European External Action Service where appropriate, should ensure actions in and in relation to third countries are taken in **synergy** and coherence with other actions outside the Union supported through Union instruments. The actions should, in particular, ensure:

- coherence with the Union's external policy, respect the principle of policy coherence for development, and are consistent with the strategic programming documents for the region or country in question;
- focus on non-development-oriented measures;
- serve the interests of the Union's internal policies and are consistent with activities undertaken inside the Union.

The objectives of the Specific Regulations shall be pursued within the framework of the multiannual programming for the period 2014 to 2020, subject to a mid-term review.

**Policy dialogue:** in order to facilitate the preparation of the national programmes each Member State and the Commission shall hold a dialogue at the level of senior officials.

The dialogue shall focus on the **overall results to be achieved** by means of the national programmes in order to address the needs and priorities of the Member States in the areas of intervention covered by the

Specific Regulation taking account of the baseline situation in the Member State concerned and the objectives of the Specific Regulations.

The outcome of the dialogue will serve as a **guide** for the preparation and approval of the national programmes and will include an indication of the date expected for the Member State's submission of the national programmes to the Commission that will allow the timely adoption of the programme.

At the end of the policy dialogue, each Member State should submit to the Commission a national programme explaining how they intend to achieve the objectives of the specific regulation for 2014-2020. The Commission should examine whether the national programme is consistent with these objectives and with the outcome of the policy dialogue. In addition, the Commission should consider if the distribution of Union funds between the different objectives correspond to the minimum percentages defined in the corresponding specific regulations for each objective.

After the conclusion of the policy dialogues, the **Commission should inform the Parliament about the overall outcome**. The policy dialogue may be repeated after the mid- term review, in order to reassess the needs of that Member State and the priorities of the Union.

**National programmes and minimum percentages:** it should be **possible for Member States to depart from those minimum percentages**, in which case they should state the reasons for the deviation in their national programme. In the event that the reasons given by the Member State concerned were not deemed adequate, the Commission might not approve the national programme. The Commission should regularly inform the European Parliament of the outcome of the policy dialogues, of the full programming process including the preparation of national programmes, covering also compliance with the minimum percentage set per objective in the relevant Specific Regulations as defined in this Regulation, and of the implementation of the national programmes.

**Emergency measures:** the Regulation should allow support for actions the expenditure of which was incurred **before the application for such assistance was made**, but not before 1 January 2014. The support may constitute **100% of the eligible expenditure** in duly justified cases where this is essential for the action to be carried out particularly where the beneficiary is an international or non-governmental organisation. Actions supported with emergency assistance should arise directly from the emergency situation and should not replace long-term investments by Member States.

**Pre-financing:** following the Commission decision approving the national programme, an initial pre-financing amount for the whole programming period shall be paid by the Commission to the designated Responsible Authority. This shall represent 4% of the total contribution from the Union budget to the national programme concerned. It may be split into two instalments depending on budget availability within 4 months.

**An annual pre-financing amount of 3%** of the total contribution from the Union budget to the national programme concerned shall be paid before 1 February in 2015. In the years 2016 to 2022 it shall be 5% of the total contribution from the Union budget to the national programme concerned.

**Responsibilities under shared management:** in accordance with the principle of shared management, Member States and the Commission shall be responsible for the management and control of national programmes in accordance with their respective responsibilities laid down in this Regulation and the Specific Regulations.

Measures were added on the protection of the **financial interests** of the Union via the prevention, detection and investigation of irregularities. Member States should ensure that there will be **no conflict of interest** among the partners at the different stages of the programming cycle.

**Statement by the Commission on the adoption of national programmes:** in a unilateral statement the Commission indicated that it will use its best efforts to inform the European Parliament in advance of the adoption of the national programmes.