

Asylum and migration: programme for financial and technical assistance to third countries, 2004-2008

2003/0124(COD) - 10/03/2004 - Final act

PURPOSE : to establish a cooperation programme which aims to give specific and complementary financial and technical aid to third countries. **LEGISLATIVE ACT** : Regulation 491/2004/EC of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS). **CONTENT** : this Regulation gives a legal framework as well as increased appropriations to the preparatory actions carried out in partnership with the countries and regions of origin and transit in connection with issues of migration and asylum and financed from budget line B7-667 since 2001. The multiannual programme established by the Regulation will cover the period 2004 to 2008. The financial framework for the implementation of this Regulation is set at EUR 250 million, of which EUR 120 is for the period until 1 December 2006. It is designed to provide a specific, additional response to the needs of third countries in their efforts to manage more effectively all aspects of migratory flows. With this Regulation, the Community establishes a cooperation programme which aims to give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows in all their dimensions. The programme is particularly, but not exclusively, intended for those third countries actively engaged in preparing or implementing a readmission agreement initialled, signed or concluded with the European Community. The programme shall finance appropriate actions which bring together, in a coherent and complementary way, the general principles of Community cooperation and development policy and national and regional Community cooperation and development strategies regarding the third countries concerned and which supplement the actions - in particular in the fields of management of migratory flows, return and reintegration of migrants in their country of origin, asylum, border control, refugees and displaced people - provided for in the implementation of those strategies and financed from other Community instruments in the field of cooperation and development. The actions financed on the basis of the programme shall be consistent with the Community efforts which contribute to addressing the root causes of migration. The respect of democratic principles and the rule of law, as well as of human and minority rights and fundamental freedoms, constitutes an essential element for the application of this Regulation. If necessary, and as far as possible, the actions financed under this Regulation shall be associated with measures aimed at strengthening democracy, human rights and the rule of law. The programme aims to promote cooperation between the Community and third countries by contributing in the third countries concerned, and in partnership with those countries, to the following objectives: - the development of their legislation in the field of legal immigration, in particular as regards admission rules, the rights and status of persons admitted, equal treatment of legal residents, integration and non-discrimination as well as measures to combat racism and xenophobia; - the development of legal migration, in accordance with an analysis of the demographic, economic and social situation in the countries of origin and in the host countries and of the host countries' reception capacity; - the development of their legislation and national practices as regards international protection; - the establishment in the third countries concerned of an effective and preventive policy in the fight against illegal migration, including the fight against trafficking in human beings and smuggling of migrants, and the development of relevant legislation; - the readmission, in full respect of the law, and durable reintegration, into the third country concerned of persons who have illegally entered or remained on the territory of Member States or of persons who have unsuccessfully applied for asylum in the European Union or benefited from international protection there. In order to achieve these objectives, the programme may in particular support the following actions: - setting-up of information campaigns, and provision of legal advice, on the consequences of illegal immigration, trafficking in human beings and smuggling of migrants, and clandestine employment in the Union; - dissemination of information and

legal advice on the possibilities of working legally in the European Union, both on a short and long-term basis, and on the procedures to be followed to this end; - development of actions aimed at maintaining links between local communities in the country of origin and their legal emigrants and facilitating the contribution of migrants to the social and economic development of communities in their country of origin; - facilitation of dialogue and exchange of information between the institutions of the third country and the nationals of that country who are considering emigrating; - support for capacity-building in the field of drafting, implementing and ensuring the effectiveness of national legislation and management systems as regards asylum, migration and the fight against criminal activities, including organised crime and corruption, connected with illegal immigration, and development of the training of staff working in the areas of migration and asylum; - evaluation, and possible improvement, of the institutional and administrative framework and of the capacity to implement border controls as well as improvement in the management of border controls, including by means of operational cooperation; - capacity-building in the areas of security of travel documents and visas, including their conditions of issue, identification and documentation of illegal migrants, including own nationals, and detection of false documents and visas; - introduction of systems for data collection; observation and analysis of migratory phenomena; identification of the root causes of migratory movements and the definition of measures aimed at tackling them; facilitation of the exchange of information on migratory movements, in particular on migratory flows towards the European Union; - development of regional and subregional dialogue on asylum and migration, including illegal migration; - assistance in the negotiation by the third countries concerned of their own readmission agreements with relevant countries; - support for capacity-building in the third countries concerned in the fields of reception conditions and protection capacity for asylum seekers, of readmission and the durable reintegration of returnees and of resettlement programmes; - support for targeted socioeconomic reintegration of returnees into their country of origin, including training and capacity-building aimed at facilitating their integration into the labour market. The Community co-financing of an action under the programme shall not exceed 80 %. It shall be exclusive of any other financing by another programme financed by the general budget of the European Union. The Commission shall take any necessary initiative with a view to ensuring proper coordination with other donors. The Commission shall ensure overall consistency and complementarity with other relevant Community policies, instruments, actions and programmes. In order to strengthen consistency and complementarity between actions financed by the Community and those financed by Member States with the aim of guaranteeing optimal effectiveness of these actions, the Commission shall take all necessary coordination measures. The work programme must be consistent with and complementary to the Country Strategy Papers and the Regional Strategy Papers and the development cooperation programmes drawn up in the framework of the Community policy for cooperation and development. The Commission shall constantly monitor and regularly evaluate the implementation of the programme. The Commission shall submit a preliminary interim evaluation report to the European Parliament and the Council on the implementation of the programme by 31 December 2006 at the latest, and a final report by 31 December 2010 at the latest. In addition, the Commission shall communicate to the budgetary authority, at the same time as the preliminary draft general budget of the European Union is presented, the state of implementation of the programme. ENTRY INTO FORCE : 19 March 2004. The Programme shall operate from 1 January 2004 to 31 December 2008.