

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) - 16/04/2014 - Final act

PURPOSE: to lay down the general provisions on the [Asylum and Migration](#) Fund and on the [Instrument for police cooperation](#), , and the [Instrument for the External Borders Fund](#) in the framework of the Horizontal Regulation for implementation.

LEGISLATIVE ACT: Regulation (EU) N° 514/2014 of the European Parliament and of the Council 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

CONTENT: the Regulation lays down general rules for the implementation of the Specific Regulations with regard to:

- the financing of expenditure;
- partnership, programming, reporting, monitoring and evaluation;
- the management and control systems to be put in place by the Member States; and
- the clearance of accounts.

General principles: assistance provided through the Specific Regulations (defined as the 3 Funds cited above) shall result in **added value for the Union**, bearing in mind the specific situation of each Member State.

The Commission and the Member States, together with the EEAS where appropriate, shall ensure that actions in and in relation to third countries are carried out in **synergy** and in coherence with other actions outside the Union supported through Union instruments.

Those actions must be:

- coherent with the Union's external policy, respect the principle of policy coherence for development and be 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 be 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 2014-20, subject to a mid-term review.

Actions financed shall (i) comply with applicable Union and national law; (ii) observe the rules on the protection of the EU's financial interests.

Financial framework for Union actions, emergency assistance and technical assistance: in general terms, the Commission is responsible for decisions on these matters under the annual appropriations of the Union budget.

The Regulation sets out the modalities for granting **emergency aid**. In such cases, the Commission shall inform the European Parliament and the Council in a timely manner. Within the limits of the available resources, the emergency assistance may amount to 100 % of the eligible expenditure.

The Regulation sets out Union actions and emergency assistance in or in relation to third countries, e.g. through international organisations.

At the initiative of or on behalf of the Commission, **technical assistance** may also support the preparatory, monitoring, administrative and technical assistance, evaluation, audit and control measures and activities necessary for the implementation of the Regulation and the Specific Regulations.

National programmes and policy dialogue: the objectives of the Specific Regulations shall be pursued within the framework of the multiannual programming for the period 2014-20, subject to a mid-term review.

In this context, the Horizontal Regulation stresses the need for Union intervention to be necessary and proportionate, in partnership with relevant national and local authorities.

In order to facilitate the preparation of the national programmes, each Member State and the Commission shall hold a **policy dialogue** at the level of senior officials.

The dialogue shall focus on the **overall results to be achieved** in order to address the needs and priorities of the Member States in the areas of intervention covered by the Specific Regulations. The outcome of the dialogue shall serve as a **guide** for the preparation and approval of the national programmes and shall include an indication of the expected date of submission of the Member State's national programmes to the Commission.

After the conclusion of the policy dialogues, the Commission shall **inform the European Parliament of 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.

Provision is made for the modalities regarding preparation and approval of the national programmes.

Member States may depart from those minimum percentages, in which case they should state the reasons for the deviation in their national programme.

In 2018 the Commission and each Member State shall review the situation, in the light of the interim evaluation reports submitted by the Member States. Following the review, and in the light of its outcome, national programmes may be revised.

The Regulation sets out the financing structures under the national programmes. Financial contributions provided under the national programmes will, in principle, take the form of **grants**.

General principles of eligibility: the eligibility of expenditure shall be determined on the basis of national rules, except where specific rules are laid down in the Regulation or in the Specific Regulations. The Regulation details the kind of expenditure that is deemed to be ineligible under the Funds.

Management and control systems and budgetary commitments: the Regulations also lays down rules on the following:

- management and control systems;
- responsibilities under 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 the Regulation and the Specific Regulations);
- designation of responsible authorities for management and control of expenditure;
- audit rules;
- budgetary commitments and rules for payments;
- pre-financing (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 2015);
- payment deadlines;
- suspension of payments and financial corrections.

Information and communication: Member States and Responsible Authorities shall be responsible for:

- a website or a website portal providing information on and access to the national programmes in that Member State;
- informing potential beneficiaries about funding opportunities under the national programmes;
- publicising to Union citizens the role and achievements of the Specific Regulations, through information and communication actions on the results and impact of the national programmes.

Member States shall ensure transparency of the implementation of the national programmes and shall maintain a list of actions supported by each national programme.

Implementation reports: by 31 March 2016 and by 31 March of each subsequent year until and including 2022, the Responsible Authority shall submit to the Commission an annual report on the implementation of each national programme. Member State shall submit a final report on the implementation of the national programmes by 31 December 2023.

The Regulation also sets out a common monitoring and evaluation framework on actions by Member States and the Commission.

Review: the European Parliament and the Council shall, on the basis of a proposal from the Commission, review the Regulation by 30 June 2020.

ENTRY INTO FORCE: 21.05.2014. The Regulation is applicable from 01.01.2014. Transitional provisions will ensure funding of actions undertaken during the course of the preceding Funds.

DELEGATED ACTS: the Commission may adopt delegated acts on the common principles on the eligibility of expenditure. The power to adopt delegated acts is conferred on the Commission for a **period of seven years from 21.05.2014**. The European Parliament or the Council may raise objections to a delegated act within a period of **two months** from the date of notification (this may be extended by two months.) If the European Parliament or Council express objections, the delegated act will not enter into force.