

General programme "Solidarity and Management of Migration Flows": European refugee Fund, 2008-2013

2005/0046(COD) - 06/04/2005 - Legislative proposal

PURPOSE : proposal to establish the European Refugee Fund for the period 2008-2013 and to present a communication on establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013

PROPOSED ACT : Decision of the European Parliament and of the Council.

CONTEXT: The Communication establishing a Framework programme on “Solidarity and the management of migration flows” is part of a coherent set of proposals aiming at providing an adequate support to an area of freedom, security and justice under the financial perspectives 2007-2013. Indeed, the three key objectives of freedom, security and justice are to be developed in parallel and to the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms, and the rule of law. Each of these objectives is supported by a Framework programme, providing for the necessary coherence between relevant interventions in each policy area, and clearly linking political objectives and the resources available to support them. Furthermore, this structure represents a major simplification and rationalisation of existing financial support in the area of freedom, justice and security, thus allowing for greater flexibility in the allocation of priorities and increasing overall transparency.

The key objective for the “Solidarity and management of migration flows” general programme is as follows: to support the principle of solidarity in managing people flows by ensuring a fair share of responsibilities between Member States as concerns the financial burden arising from the introduction of an integrated management of the Union’s external borders and from the implementation of common policies on asylum and immigration.

This solidarity will support the implementation of Community legislation relating to four complementary dimensions of management of migration flows:

- integrated management of external borders, in order to ensure an equivalent and uniform level of protection at the external borders;
- asylum policy, as is already the case under the European Refugee Fund in order to support the development and implementation of a common European asylum policy based on solidarity between Member States and promote a balance in the efforts made by Member States in bearing the consequences of receiving refugees and displaced persons;
- fight against illegal immigration, and in particular the return of illegally resident third country nationals in the EU or persons irregularly migrating towards the EU;
- admission and integration of third country nationals, in particular as regards their social, civic and cultural integration, in order to enable them to settle and take actively part in all aspects of European societies.

Consequently, four Funds are set up as part of the framework programme.

(Please also see proposals under procedure references COD/2005/0047, CNS/2005/0048, and COD/2005/0049.)

CONTENT: This particular proposal deals with the establishment for the period from 1 January 2008 to 31 December 2013 of the European Refugee Fund as part of the general programme "Solidarity and Management of Migration Flows". The aim of the ERF is to express solidarity at Community level and to alleviate the pressures felt by Member States most affected by reception of refugees and displaced persons in facing the consequences of this reception, which includes reception conditions during asylum procedure (and ensuring fair and efficient asylum procedure), integration of recognised refugees and promoting voluntary return solutions for rejected asylum seekers and refugees who wish to return to their country of origin.

The text defines the objectives for the Fund, 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 ones as well as monitoring and control mechanisms based on a share of responsibilities between the Commission and the Member States.

The general objective of the Fund is to support and encourage the efforts made by the Member States in receiving refugees and displaced persons, taking account of Community legislation in these matters by co-financing the actions provided for by the Decision.

The current phase of the ERF started on 1 January 2005 and ends in 2010. At this stage, the proposal simply aims at putting the calendar and implementing arrangements as regards management and control system in line with those proposed for the other three instruments: the Fund's duration is prolonged until 2013, and the new provisions will come into force as of 1st January 2008, in order to allow for the full implementation of the first multiannual programming cycle under the current decision, from 2005 to 2007. After these dates, the programming cycle will be in line with the other three Funds. The proposal also clarifies the eligibility conditions of the voluntary return strand.

Revisions on the substance of the ERF should be presented at a later stage in 2005. Amendments will take into account in particular the Hague Programme and the Declaration on persons under national resettlement programmes in light of the scope of the Council Decision on the ERF II for the period 2005 – 2010.

With regard to management and control, The ERFII (2005-2010) already contains detailed provisions on the operational implementation of shared management. In order to ensure the consistency and possible common arrangements with the management and control procedures of the other three funds proposed as part of the general programme, the Commission is proposing to adopt the same provisions for all four Funds.

The proposal on the ERF, along with the draft decisions establishing the Fund for integration of legally staying third country nationals (CNS/2005/0048), the External Borders Fund (COD/2005/0047) and the Return Fund (COD/2005/0049) provides for the creation of mechanisms ensuring a coherent approach of the programming, implementation and evaluation of the four instruments. As mentioned above, it also contains a modification of the scope of eligible actions as regards return, in order to prevent any overlap with the proposed Return Fund. Financing return measures for rejected asylum seekers should be done under the Return Fund and shall therefore become ineligible within the framework of the European Refugee Fund from the first year of the multiannual programme starting on 1st January 2008.

The overall amount foreseen for the framework programme "Solidarity and management of migration flows" is EUR 5.866 million for the period 2007-2013. Within this envelope, EUR 1.184 million are

foreseen for asylum; EUR 759 million for the return Fund; EUR 1.771 million euro for integration of third-country nationals; and finally EUR 2.152 million for external borders management. The amounts allocated to the Member States will not be transferable from one Fund to another.

In addition to the overall amount for the above framework programme, for the FRONTEX Agency, an indicative amount of EUR 285.1 million is foreseen for the period 2007-2013, while the implementation of large-scale information systems has been estimated at over EUR 900 million. Finally, the possible setting-up of a European Migration Observatory as a follow-up to current preparatory actions has also been budgeted for, to an indicative amount of EUR 62.3 million for the same period.

FINANCIAL IMPLICATIONS :

Budget lines: Financial Perspectives 2007 - 2013: Heading 3.

Duration of the action and of the financial impact: 2007-2013.

Financial Resources :

Summary of commitment appropriations and payment appropriations (totals in EUR million to 3 decimal places):

Operational expenditure:

European Refugee Fund: 1.102,800;

Emergency measures: 68,600;

Integration of Third country Nationals: 1.756,000;

European Return Fund: 749,000;

External Borders Fund: 2.135,000.

Administrative expenditure within reference amount:

Technical and administrative assistance (NDA):

European Refugee Fund: 11,200;

Emergency measures: 1,400;

Integration of Third country Nationals: 15,000;

European Return Fund: 10,000;

External Borders Fund: 17,000.

Total reference amount:

Commitment and payment appropriations : 5.866,000.

Administrative expenditure not included within reference amount:

Human resources and associated expenditure (NDA): 77,139.

Administrative costs, other than human resources and associated costs, not included in reference amount (NDA): 5,292.

Total indicative financial cost of intervention including cost of human resources: 5.948,431.

Co-financing details : Revenue in absolute terms: EUR 3.7 million in 2007 rising to EUR 12.5 million by 2013.

Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs): total staff in 2007 will be 70,25 rising to 126 by 2013.

Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount): 68,015.