

General programme "Solidarity and Management of Migration Flows": External Borders Fund 2007-2013

2005/0047(COD) - 23/05/2007 - Final act

PURPOSE: to establish the **External Borders Fund**.

LEGISLATIVE ACT: Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013 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 External Borders Fund ("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.

The External Borders Fund is designed to express solidarity through financial assistance to those Member States that apply the Schengen provisions on external borders.

General Objectives of the Fund: these are as follows:

- efficient organisation of control, covering both checks and surveillance tasks relating to the external borders;
- efficient management by the Member States of the flows of persons at the external borders in order to ensure, on the one hand, a high level of protection at the external borders and, on the other, the smooth crossing of the external borders in conformity with the Schengen acquis and the principles of respectful treatment and dignity;
- uniform application by border guards of the provisions of Community law on the crossing of external borders, in particular Regulation (EC) No 562/2006;
- improvement of the management of activities organised by the consular and other services of the Member States in third countries as regards the flows of third-country nationals into the territory of the Member States and the cooperation between Member States in this regard.

The Fund will contribute to the financing of technical assistance at the initiative of the Member States or the Commission.

Each of these general objectives has a set of specific objectives. In order to ensure uniform and high-quality external border control and flexible cross-border traffic, the Fund will contribute to the development of a European common-integrated-border management system which includes all the measures relating to policy, legislation, systematic cooperation, the distribution of the burden, personnel, equipment and technology taken at different levels by the competent authorities of the Member States, acting in cooperation and, where necessary, together with other actors, utilising, inter alia, the four-tier border security model and integrated risk analysis of the EU.

The following points should also be noted:

- In accordance with Protocol No 5 to the 2003 Act of Accession on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the Fund will bear any additional cost incurred in implementing the specific provision of the acquis covering such transit. The Fund will provide support to compensate for foregone fees from transit visas and additional costs incurred in implementing the Facilitated Transit Document (FTD) and the Facilitated Rail Transit Document (FRTD) scheme in accordance with Council Regulation (EC) No 693/2003 and Council Regulation (EC) No 694/2003. Additional cost eligible for financing include investment in infrastructures; training of staff implementing the special transit scheme; additional operational costs, including salaries of staff specifically implementing the special transit scheme.
- The Fund will include support for national measures and cooperation between Member States in the area of visa policy and other pre-frontier activities that take place prior to external border controls.
- In view of the mission of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in implementing the operational aspects of external border management and in order to develop complementarity between its mission and the responsibilities of the Member States for the control and surveillance of external borders, the Agency will be consulted by the Commission on draft multiannual programmes submitted by the Member States and on the strategic guidelines prepared by the Commission.

- On the basis of strategic guidelines adopted by the Commission, each Member State will prepare a multiannual programming document taking into account its specific situation and needs and setting out its development strategy that will constitute the framework for preparing the implementation of the actions to be listed in annual programmes.

Financial provisions: The financial envelope for the implementation of this Decision shall be EUR 1 820 million (please refer to the financial statement).

The **available annual resources** shall be broken down between the Member States as follows:

- 30 % for external land borders ;
- 35 % for external maritime borders.
- 20 % for airports;
- 15 % for consular offices

Objective criteria are established to allocate the available annual resources to the Member States. These criteria are broken down according to the type of border, taking into account the flow and the levels of threat at the external borders of the Member States. The application of these criteria will be reviewed in 2010 to enable any new circumstances, including in particular those resulting from changes in the external borders themselves, to be taken into account.

At the initiative of and/or on behalf of the Commission, subject to a ceiling of EUR 500 000 of the Fund's annual allocation, the Fund may finance preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.

Lastly, in the light of the scope and the purpose of the Fund, it must not, in any event, support actions with respect to areas and centres for holding persons in third countries.

Territorial provisions: the United Kingdom and Ireland shall not participate in the adoption of this Decision. Moreover, Denmark will not participate, however, it may decide within a period of six months after the date of adoption of this Decision whether it will implement it in its national law.

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

ENTRY INTO FORCE: 07/06/2007. The Decision will apply from 7 June 2007, with the exception of certain provisions which will apply from 1 January 2007.