



Basic information	
<b>2005/0046(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
General programme "Solidarity and Management of Migration Flows": European refugee Fund, 2008-2013  Repealed by <a href="#">2011/0366(COD)</a> Amended by <a href="#">2009/0026(COD)</a> Amended by <a href="#">2009/0127(COD)</a> Amended by <a href="#">2012/0252(COD)</a>  <b>Subject</b>  7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		KUDRYCKA Barbara (PPE-DE)	06/06/2005
	Committee for opinion		Rapporteur for opinion	Appointed
	AFET Foreign Affairs		ŽDANOKA Tatjana (Verts/ALE)	21/07/2005
	DEVE Development		FERNÁNDEZ MARTÍN Fernando (PPE-DE)	31/08/2005
	BUDG Budgets		BITTENWEG Kathalijne Maria (Verts/ALE)	09/06/2005
	EMPL Employment and Social Affairs		The committee decided not to give an opinion.	15/06/2005
	CULT Culture and Education		The committee decided not to give an opinion.	
	Council of the European Union	Council configuration		Meetings
Agriculture and Fisheries		2797	2007-05-07	

European Commission	Commission DG	Commissioner
	Justice and Consumers	FRATTINI Franco

Key events			
Date	Event	Reference	Summary
06/04/2005	Legislative proposal published	COM(2005)0123 	Summary
22/06/2005	Committee referral announced in Parliament, 1st reading		
06/11/2006	Vote in committee, 1st reading		
29/11/2006	Committee report tabled for plenary, 1st reading	A6-0437/2006	
14/12/2006	Decision by Parliament, 1st reading	T6-0581/2006	Summary
14/12/2006	Results of vote in Parliament		
07/05/2007	Act adopted by Council after Parliament's 1st reading		
23/05/2007	Final act signed		
23/05/2007	End of procedure in Parliament		
06/06/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2005/0046(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by <a href="#">2011/0366(COD)</a> Amended by <a href="#">2009/0026(COD)</a> Amended by <a href="#">2009/0127(COD)</a> Amended by <a href="#">2012/0252(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 063
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27937










Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee opinion	<div>DEVE</div>	<a href="#">PE364.913</a>	01/02/2006	
Committee draft report		<a href="#">PE368.063</a>	14/02/2006	
Amendments tabled in committee		<a href="#">PE370.168</a>	09/03/2006	

Committee opinion	<a href="#">AFET</a>	<a href="#">PE367.686</a>	22/03/2006	
Committee opinion	<a href="#">BUDG</a>	<a href="#">PE367.785</a>	28/03/2006	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0437/2006</a>	29/11/2006	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0581/2006</a>	14/12/2006	<a href="#">Summary</a>

#### Council of the EU

Document type	Reference	Date	Summary
Draft final act	<a href="#">03690/2/2006</a>	23/05/2007	

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2005)0123</a> 	06/04/2005	<a href="#">Summary</a>
Document attached to the procedure	<a href="#">SEC(2005)0435</a> 	06/04/2005	
Supplementary legislative basic document	<a href="#">COM(2005)0123/2</a> 	24/05/2006	<a href="#">Summary</a>
Document attached to the procedure	<a href="#">COM(2006)0239</a> 	24/05/2006	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2007)0303</a>	24/01/2007	
Follow-up document	<a href="#">COM(2011)0002</a> 	14/01/2011	<a href="#">Summary</a>
Follow-up document	<a href="#">COM(2011)0448</a> 	20/07/2011	
Follow-up document	<a href="#">SEC(2011)0940</a> 	20/07/2011	
Follow-up document	<a href="#">C(2011)9771</a>	22/12/2011	
Follow-up document	<a href="#">COM(2018)0456</a> 	12/06/2018	<a href="#">Summary</a>
Follow-up document	<a href="#">SWD(2018)0334</a> 	12/06/2018	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	<a href="#">CDR0144/2005</a>	16/11/2005	
EESC	Economic and Social Committee: opinion, report	<a href="#">CES0234/2006</a>	14/02/2006	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	
Final act		
<a href="#">Decision 2007/0573</a> <a href="#">OJ L 144 06.06.2007, p. 0001</a>		<a href="#">Summary</a>

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

2005/0046(COD) - 12/06/2018

The Commission presents an ex post evaluation reports for the period 2011 to 2013 of actions co-financed under the framework programme 'Solidarity and Management of Migration Flows'.

This consists of four instruments (the 'SOLID Funds'): **the European Refugee Fund (ERF)**, the External Borders Fund (EBF), the European Fund for the Integration of third-country nationals (EIF) and the European Return Fund (RF).

The aim of the SOLID General Programme was to provide financial support to Member States to help them better manage the Union's external borders, and better implement the common policies on asylum and migration.

This summary concerns the **European Refugee Fund (ERF)**, which supported Member States 'actions related to the reception of asylum seekers and processing of their asylum applications, the integration of beneficiaries of international protection and, to a limited extent, resettlement or transfer of beneficiaries of international protection between Member States. The Commission recalls that when the ERF priorities were set, the enhancement of responsibility sharing between Member States and third countries remained optional.

The ERF was allocated EUR 386 million under the SOLID funds and had an average absorption rate of 81%.

During the 2008-10 and 2011-13 periods, the ERF was particularly effective in **supporting Member States that had acceded to the EU more recently** (with less developed asylum systems) in their efforts to improve their reception conditions and asylum procedures, and enhancing their capacity to establish national asylum systems. The added value of the ERF was crucial for these Member States.

However, the Commission highlights **one key shortcoming** for both the 2008-2013 and the 2011-13 periods, this being the **allocation mechanism**, which was based on historic inflows (previous three years) and which could therefore not address Member States unprecedented needs following the drastic increase in asylum flows from 2013. This issue was partly mitigated by the allocation of emergency assistance to Member States, which proved useful to address the crisis.

The report also makes the following points:

- due to the legal framework at the time, most ERF projects remained purely national, and **limited support** was provided for cooperation and experience-sharing amongst Member States. As the results of the Community actions were not widely disseminated;
- the ERF was only effective to a very limited extent in implementing responsibility-sharing projects, such as the **resettlement and intra-EU transfer** of beneficiaries of international protection, and very few projects were implemented in this area. There was inefficiency in several Member States, mostly due to a lack of experience and to insufficient technical and administrative capacities;
- networking was enhanced, while investments in reception capacities were deemed as most sustainable;
- all Member States found that the Fund enabled projects that could not have been financed by national public resources only.

The report makes certain observation common to all four funds. In the case of the ERF, most of the main findings have already been taken into consideration under the [asylum, migration and integration fund \(AMIF\)](#), which succeeded the ERF, EIF and RF, while others are given due consideration in the preparation of the next generation of Funds.

With respect to the ERF, the report notes particularly that the principles of solidarity and responsibility-sharing at EU level **could be optimised for resettlement and intra-EU transfer** of beneficiaries of international protection. For the latter, Member States preferred to use their allocation for actions addressing their own specific needs and the ERF did not provide additional financial incentives per person transferred. For resettlement, there was a financial incentive (EUR 4 000 to 6 000) but it proved insufficient to cover the cost of resettling a person. AMIF has addressed these shortcomings to a limited extent with additional funding in the form of increased lump sums (EUR 6 000 to 10 000) and a system of pledging which brings political attention to bear.

The AMIF also features some improvements which help better steer implementation towards EU priorities, such as financial incentives, additional funding for specific actions and top-ups to the allocation of all Member States for specific EU policy priorities.

## 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.

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

2005/0046(COD) - 14/12/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Barbara **Kudrycka** (EPP-ED, Poland) and made several amendments to the Commission's proposal:

- a new recital states that with respect to the treatment of persons falling within the scope of the Decision, Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination;
- the "best interests of the child" in compliance with the UN Convention on the Rights of the Child (CRC) should be a primary consideration of Member States when implementing the Decision;
- in light of the scope and the purpose of the Fund, it cannot, in any event, support actions with respect to areas and centres for holding persons in third countries;
- the subject matter and scope of the Fund has been amended so that the the Fund is established as part of a coherent framework also including the Decision of the European Parliament and the Council establishing the External Borders Fund for the period 2007-2013, the Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008-2013, and the Council Decision establishing the European Fund for the Integration of Third-country Nationals for the period 2007-2013 , 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;
- actions which can be supported by the Fund now also include structures and training to ensure access to asylum procedures for asylum seekers; information or counselling on the possible outcome of the asylum procedure, including on aspects such as voluntary return; and training for the staff of local authorities;
- actions must take account of gender-related issues, the best interest of children, and victims of trafficking or forms of sexual abuse, individuals in need of emergency care and essential treatment of illness;
- the Fund shall only support actions with respect to accommodation of persons referred to in article 6(c) (information and assistance immediately upon arrival) which is separate from areas or centres solely destined for persons whose entry is refused and for persons who are intercepted after having crossed the border illegally or when approaching the external borders with a view to illegal entry into the territory of the Member States;
- 10% of the Fund's available resources may be used to support community actions;
- eligible actions include those which offer to networks linking non-governmental organisations which assist refugees and asylum-seekers and which are present in at least 10 Member States structural support intended to facilitate exchanges of experience and sound practice and to ensure that the development of Community asylum policy and practice takes into account the experience gained by non-governmental organisations and the interests of refugees and asylum seekers;
- the Fund shall also provide assistance to Member States for the implementation of emergency measures aimed at addressing situations of particular pressures. Such situations are characterised by sudden arrivals at particular points on the borders of large numbers of third country nationals who may be in need of international protection, which place exceptionally heavy and urgent demands on the reception facilities, the asylum system or infrastructure of the Member States concerned and may create risk to human life, well-being or access to protection provided under Community legislation;
- the financial envelope for the implementation of the Fund from 1 January 2008 to 31 December 2013 shall be **EUR 628 million**;
- Member States will receive a fixed amount of EUR 4 000 for each resettled person falling under one of four categories. No later than 1 May each year, Member States shall provide the Commission with an estimate of the number of persons that they will resettle the following year, including a breakdown by the different categories;
- the proportion of total cost of certain actions that can be supported by the Fund has been amended in several cases;
- Parliament inserted a new clause regarding the mid-term review of the multiannual programme;
- the Commission shall lay down guidelines to ensure the visibility of the funding granted under the Decision.

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

2005/0046(COD) - 23/05/2007 - Final act

PURPOSE: the establishment of the **"European Refugee Fund"** as part of the general programme 'Solidarity and Management of Migration Flows'.

LEGISLATIVE ACT: Decision No 573/2007/EC of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008 to 2013 as part of the General Programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC.

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: the purpose of this Decision is the establishment of the "**European Refugee Fund**". It replaces the 2004-2005 European Refugee Fund set up by Council Decision 2004/904/EC. Between the 1 January 2007 and 31 December 2013 the Fund will benefit from a **EUR 628 million** financial envelope.

**General Objectives:** The general objective of the Fund will be to support and encourage efforts made by the Member States to receive refugees and displaced persons, taking account of Community legislation on those matters.

**Eligible Actions in the Member States:** The Decision sets out a comprehensive list of actions that may be eligible for funding within the Member States. They relate, *inter alia*, to conditions in reception centres; integration activities; supporting Member States in the development of their asylum policies; the resettlement of persons who have been granted refugee status (within the meaning of Community and international legislation); the transfer of persons; accommodation and services; offering support on understanding asylum procedures; providing material aid and medical or psychological care; social assistance, legal aid and language assistance; education, support services; and local community information.

**Community action:** On the initiative of the Commission, up to 10% of the Fund's available resource may be used to finance transnational and Community actions concerning asylum policy. Typically these actions concern furthering the implementation of Community legislation and practices (such as interpretation and translation services).

**Emergency measures:** In addition to the measures mentioned above, the Fund will make funds available to the Member States for emergency measures that seek to address situations of particular pressure. To qualify for emergency measures actions must be implemented immediately and their duration must not exceed six months. Funding will be ring fenced for reception and accommodation, food and clothing, medical and psychological assistance, staff and administrative costs, logistical and transport costs, legal aid/language assistance and the provision of interpretations services, country of origin expertise etc.

**Target groups:** The target groups are: any third-country national or stateless person having the status of refugee – as defined by the Geneva Convention; any third-country national or stateless person enjoying a form of subsidiary protection; any third-country national or stateless person who has applied for protection; any third-country national or stateless person enjoying temporary protection; any third-country national or stateless person who is being, or has been, resettled in an EU Member State.

**Financial provisions:** the financial envelope for the implementation of this Decision shall be EUR 628 million (please refer to the financial statement).

Annual distribution of resources for eligible action in the Member States is as follows:

- each Member State shall receive a fixed amount of EUR 300 000 from the Fund's annual allocation. This amount shall be raised to EUR 500 000 per annum for the period 2008 to 2013 for Member States which acceded to the European Union on 1 May 2004.

This amount shall be raised to EUR 500 000 per annum for Member States which accede to the European Union during the period from 2007 to 2013 for the remaining part of the period from 2008 to 2013 as from the year following their accession.

Financial contributions under the Fund shall take the form of grants. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Union. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.

The Community contribution to supported projects shall not exceed 50 % of the total cost of a specific action. This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines.

Member States shall also receive a fixed amount of EUR 4 000 for each resettled person.

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.

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

The final report on the implementation of the annual programme shall include, inter alia, the following information in order to obtain a clear view of the implementation of the programme: the financial and operational implementation of the annual programme; the progress made in implementing the multiannual programme and its priorities in relation to its specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators; the steps taken by the responsible authority to ensure the quality and effectiveness of implementation; the measures taken to provide information on and make public the annual and multiannual programmes.

The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 31 December 2012 for the period 2008 to 2010 and by 31 December 2015 for the period 2011 to 2013 respectively, an ex-post evaluation report.

**Complementarity, consistency and compliance:** The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.

**Territorial provisions:** the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Decision. On the other hand, Denmark shall not participate in this Decision.

**ENTRY INTO FORCE:** 7 June 2007. This Decision shall apply from 1 January 2008, with the exception of specific measures which shall apply from 7 June 2007. This Decision repeals Decision 2004/904/EC with effect from 1 January 2008. The European Parliament and the Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013.

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

2005/0046(COD) - 24/05/2006 - Supplementary legislative basic document

On 6 April 2005, the Commission adopted a proposal for a Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' (**refer to the Commission's initial proposal dated 06/04/2005**).

At the time, the proposed financial reference amount for the implementation of this Fund amounted to **EUR 1,112.7 million** (including emergency measures).

Following the agreement of 17 May 2006 on the Financial Framework 2007-2013, the Commission adopted a series of amended proposals concerning the new financial instruments in the field of freedom, security and justice which take account of the adjusted amounts.

The new amount for the "Refugee" Fund is set at EUR 628 million (**refer to the financial statement for details**).

### General context

In the Hague Programme, the European Council acknowledged the need for the EU to contribute in a spirit of shared responsibility to provide access to protection and durable solutions at the earliest possible stage and called for the development of EU-Regional Protection Programmes, including a joint resettlement programme for Member States willing to participate in such a programme.

The European Council also called for the establishment of appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation towards three main objectives: i) achieving an EU wide Single Procedure; ii) the joint compilation, assessment and application of Country of Origin Information; iii) promote better cooperation between Member States to address particular pressures on asylum systems or reception capacities resulting from factors such as geographic location.

It is necessary that the new political priorities in the field of asylum set out above **receive adequate financial support at Community level**.

### Main legal elements

It is proposed to lay down rules and conditions for the Fund's support for the efforts made by Member States :

- to provide access to international protection and a durable solution in their territories via resettlement;
- to implement burden-sharing operations consisting in the transfer of beneficiaries of international protection from one Member State to another which grants them the same protection;
- to engage in activities aimed at enhancing their capacity to develop, monitor and evaluate their asylum policies;
- to respond to the particular pressures they face in accordance with their obligations under Community law;

- to strengthen practical cooperation between the national asylum systems.

To this end, it is proposed to extend the scope of this Decision with regard to the target groups, the eligible actions and the emergency measures that are eligible for support and to establish specific co-financing rules for certain eligible actions. In order to give support to practical cooperation and the establishment of the appropriate structures, it is proposed to increase the resources allocated to Community actions.

It is also proposed to add three new strands of action, relating to resettlement; the transfer of beneficiaries of international protection from one Member State to another, which provides them with the same form of protection they have obtained in the first Member State and the enhancement of the capacity to develop, monitor and evaluate the national asylum policies.

**Resettlement:** given the absence of specific EU acquis on resettlement, it is appropriate that the Fund's support should be limited to the actions implemented by Member States for the resettlement of persons who have been identified as eligible for this purpose by the UNHCR on the basis of their need for international protection. Furthermore, Member States are required to grant the persons to whom they provide international protection via resettlement a legal status providing enhanced legal certainty as well as the conditions necessary to promote their self-sufficiency and integration, i.e. either refugee status within the meaning of Council Directive 2004/83/EC or a permanent residence status, in accordance with the national legislation.

**Financial resources:** the new financial resources shall be allocated to:

- **Actions of interest to the Community:** at the Commission's initiative, up to 10% of the Fund's available resources (as opposed to 7% initially accorded) may be used to finance transnational actions or actions of interest to the Community concerning asylum policy.
- **Emergency measures:** emergency measures are aimed at addressing situations of particular pressures. Such situations are characterised by sudden arrivals at particular points on the external borders of large numbers of third country nationals who may be in need of international protection, which place exceptionally heavy and urgent demands on the reception facilities, the asylum system or infrastructure of the Member States concerned and may create risk to human life, well-being or access to rights provided under Community legislation.
- **Resettlement:** it is proposed to increase the proportion of the allocation based on the number of persons granted international protection, including through resettlement. Since resettled persons are granted a status for protection-related reasons, they should be taken into account for the calculation of the 40% percentage of the annual resources allocated to Member States in proportion to the number of beneficiaries of international protection registered on their territories over the previous three years (see the initial proposal dated 6 April 2005). It is proposed therefore that the Member States receive, in addition to 50% of the total cost of a specific action, a fixed amount of EUR 4 000 for each person resettled under a Regional Protection Programme; EUR 3000 for women-at-risk and minors and EUR 5000 for survivors of violence and torture, as well as for persons with serious medical conditions if they need specialised treatment unavailable in the host country and there is a favourable prognosis that treatment in the country of resettlement would successfully address their needs. It is proposed to allocate contributions to Member States on the basis of an ex-ante estimate of the number of persons to be resettled in the course of the following year. Member States would provide an indication, for instance before May 2007, of the number of persons falling under the above-mentioned categories that they intend to resettle for the 2008 budget year.

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

2005/0046(COD) - 24/05/2006

### Package of legislative proposals following the Interinstitutional Agreement on budgetary discipline and sound financial management

The conclusion on 17 May 2006 by the Commission, the Council and the European Parliament of the agreement on the 2007-2013 financial framework (Interinstitutional Agreement on budgetary discipline and sound financial management – please refer to procedure ACI/2004/2099) marks a real success for Europe, providing a stable financial framework for the political priorities of the enlarged Union for the next seven years. It is now up to the institutions and Member States to ensure that the financial resources available are used and implemented as well as possible. Action at European level must contribute true added value to that taken at national, regional or local level and must have an optimum impact on each European player. The Commission is ready to play a full role in all these areas.

The agreement marks a decisive step forward towards the ultimate objective of providing the Union with operational programmes by the beginning of 2007. Work must now be continued on each legislative act. To this end, the Commission intends to continue to provide momentum and act as a facilitator, as it has been doing since the start of the negotiations.

As part of the negotiations on the 2007-2013 financial framework, in October 2005 the European Parliament, the Council and the Commission adopted a joint declaration in which they undertook to continue work on the legislative proposals currently being discussed and then, once the interinstitutional agreement had been adopted and on the basis of amended proposals by the Commission, to reach agreement on each of these proposals. Thus, in accordance with Article 250(2) of the EC Treaty and in order to facilitate this phase for each legislative act, the Commission has adopted a total of 30 proposals, 26 of which are amended and 4 new.

The **proposals amended as a result of the IIA** are as follows:

Programmes concerning the external policy of the Union and development cooperation:

- Ø COD/2004/0219 (European Neighbourhood and Partnership Instrument)
- Ø COD/2004/0220 (development co-operation and economic co-operation instrument)

**Solidarity and Management of Migration Flows Programme(JHA):**

- Ø COD/2005/0046 (European Refugee Fund)
- Ø COD/2005/0047 (External borders fund, 2007-2013)
- Ø COD/2005/0049 (European Return Fund)

**Fundamental Rights and Justice Programme (JHA):**

- Ø COD/2005/0037/A(DAPHNE)
- Ø COD/2005/0037/B (drugs prevention and information)

**RDT Framework Programme and specific programmes :**

- Ø COD/2005/0043 (RDT Framework Programme)
- Ø CNS/2005/0044(Nuclear Research Programme)
- Ø CNS/2005/0184 (Joint Research Centre - JRC)
- Ø CNS/2005/0185 (Transnational cooperation specific programme)
- Ø CNS/2005/0186 (Specific programme Ideas, frontier research)
- Ø CNS/2005/0187(Specific programme supporting researchers)
- Ø CNS/2005/0188(RDTCapacities specific programme)
- Ø CNS/2005/0189 (specific programme direct actions by the Joint Research Centre JRC)
- Ø CNS/2005/0190 (fusion energy, nuclear fission and radiation protection specific programme)

**Employment and social cohesion Programme:COD/2004/0158**

- Programmes in the fields of youth and education:
  - Ø COD/2004/0152 (Youth)
  - Ø COD/2004/0153 (Education – lifelong learning)
- Consumer Protection and Public Health Framework programme:
  - Ø COD/2005/0042/A (Public health)
  - Ø COD/2005/0042/B (Consumers)
- Programme in the fields of energy, environment and transport :
  - Ø COD/2004/0218 (LIFE+)
  - Ø COD/2004/0154 (TransEuropean networks in the areas of energy and transport)
  - Ø CNS/2004/0221 (Decommissioning of the Bohunice nuclear plant)
- GALILEO (radio-navigation by satellite): COD/2004/0156

In terms of **new proposals**, the Commission has already submitted three in the area of agriculture and rural development policy and fisheries and aquaculture policy:

- Ø CNS/2006/0081 (fisheries and aquaculture)
- Ø CNS/2006/0082 (rural development)
- Ø CNS/2006/0083 (common agricultural policy).

Certain legislative acts do not form part of this package of measures, in particular those on which political agreement has been reached since 17 May. For these measures, the Commission has played a full part in helping to bring about agreement between the arms of the legislative authority. The same applies to the acts for which conclusion of the interinstitutional agreement does not modify the Commission's original proposal. For all the others, which are included in the package presented, the changes proposed by the Commission take account of the content of the interinstitutional agreement adopted, either in a simplified form, where the financial resources allocated to each programme must be adapted, or in a more detailed form where the structure or even the content of the act must be revised. It should also be noted that four of the amended proposals contain amendments already voted on by the European Parliament at first reading and that one proposal has been divided into two amended proposals in response to a request by the Council and the European Parliament, although Parliament has not yet proceeded to a first reading of this proposal.

Based on these amended proposals, the Commission calls on the European Parliament and the Council to continue their discussions of these proposals and conclude them as soon as possible in order to ensure that all the legal instruments are available in time for the effective launch of the programmes in January 2007.

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

2005/0046(COD) - 14/01/2011 - Follow-up document

In accordance with Decision No 573/2007/EC the Commission presents a report on the results achieved and on qualitative and quantitative aspects of implementation of the European Refugee Fund (ERF) for the period **2005-2007**. The evaluation report is based on Member States' submissions with regard to the implementation of the national programmes. It also builds upon additional data and information available to the Commission.

**Budgetary overview:** the amounts committed for programmes as approved by the Commission were EUR 43 169 204 in 2005, EUR 45 200 066 in 2006 and EUR 63 302 688 in 2007. **Almost all the budget resources available to national programmes have been used.** The total costs of all operations funded through the national programmes during the period 2005-2007 amounted to almost **EUR 300 million**. The Fund's contribution accounted for slightly more than half of that amount. Additional resources were provided by the national budgets and by the beneficiaries.

The **United Kingdom, Germany and France** were the three main beneficiaries of the Fund during the period 2005-2007, with shares ranging from around 12% (France) to 17% (United Kingdom). They were followed by Sweden and Austria (7.7 % each) and the Netherlands (5.4%).

Compared to the previous programming period (2000-2004), the 2005-2007 period shows **significant changes to the breakdown of ERF funding across the three Actions** (Reception and asylum procedures, Integration and Voluntary return) as programmed by the Member States. There was a decrease in the share of the first area (from 46 % to 41 %), a small decrease in the share of the second area and a relatively large increase in the share of the third area (from 22% to 28%). Although **voluntary return** was the smallest of the three areas, and even if its implementation was more difficult than the others, there was an increased focus of Member States' strategies on that area. This trend relates to the share of each area, not to the amounts. Member States did not reduce their budgets allocated either to reception or to integration – instead they significantly increased the amounts allocated to voluntary return.

In general, national programmes were implemented through open calls for proposals (in the majority of Member States one call was organised every year) which attracted an impressive total of 2 492 proposals. Of these, **1 403 were selected and funded**. The average EU contribution amounted to about €108 000 per project.

**Additionality and European value added:** in the majority of Member States, the results of operations were better than forecast. However, integration operations proved to be the most successful, followed by those targeting the reception of asylum seekers, whereas operations on voluntary return produced the least satisfactory results. The use of the ERF during the period 2005-2007 proved to be **additional to national funding**. There were only very few instances where projects could have been funded through national support. Moreover, in no single case did the Fund replace financing from other European funds, such as the European Social Fund or the EQUAL programme. As a result, few, if any, of the 1 403 projects funded would have been implemented in the absence of the ERF.

The Fund was used either as a supplement to national resources, in order to increase the volume of existing projects and activities; or, as a complement to finance activities linked with existing projects, but of a different nature, which does not necessarily increase the number of projects; or, completely separate from other funding instruments, to fund projects of a new type, content or size, including innovative projects which have not been taken into account in other subsidy schemes.

**Impact of national programmes:** it is estimated that the 1 403 projects funded provided direct benefit to a total target group of more than **350 000 persons**. Of these, **26 200 persons returned to their country of origin under voluntary return schemes**. In addition to those in the target group, more than 6 500 persons belonging to the project implementing organisations received support from the Fund, e.g. for training or as a result of recruiting additional staff. These are remarkable achievements considering the Fund's relatively limited resources (some EUR 50 million per annum).

**Conclusion:** the overall picture of **the implementation of the European Refugee Fund during the period 2005-2007 is satisfactory**. The project implementing organisations and the national authorities responsible for implementing the national programmes were able to build upon the experience gained from the first implementation period of the Fund, from 2000 to 2004, and to achieve even better results. Beyond the achievements of all projects funded, significant impacts were identified at national level against the main policy objectives set for the Fund. Although there is still room for improvement, the European Refugee Fund, after two implementation periods, is now firmly established, as part of the General Programme "Solidarity and management of migration flows", as a useful European funding instrument in support of implementation of the European acquis in the field of asylum policy.

Among the many recommendations that emerge from the evaluation with regard to the activities funded and the implementation mechanisms, a number have already been implemented in the third phase of the Fund, from 2008 to 2013, which is currently taking place in the broader context of the General Programme "Solidarity and management of migration flows". For example, the Commission has issued a number of guidance documents to clarify the legal requirements in various areas (eligibility rules, programming, reporting, programme closure etc.) with a view to finding practical solutions, and it has had regular exchanges with Member States on a range of implementation issues since the new programmes began. Further consideration will be given to all recommendations in the context of a Commission-wide debate on all proposals to be made for the period post-2013.