Basic information

2005/0047(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
General programme "Solidarity and Management of Migration Flows": External Borders Fund 2007-2013 Repealed by 2011/0365(COD) Amended by 2012/0253(COD) **Subject** 7.10.04 External borders crossing and controls, visas 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy	

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)	21/06/2005
DEVE Development	The committee decided not to give an opinion.	
BUDG Budgets		

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2768	2006-12-04
Justice and Home Affairs (JHA)	2752	2006-10-05
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		
05/10/2006	Resolution/conclusions adopted by Council		Summary
06/11/2006	Vote in committee, 1st reading		
28/11/2006	Committee report tabled for plenary, 1st reading	A6-0427/2006	
04/12/2006	Resolution/conclusions adopted by Council		
14/12/2006	Decision by Parliament, 1st reading	T6-0590/2006	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	2005/0047(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2011/0365(COD) Amended by 2012/0253(COD)
Legal basis	EC Treaty (after Amsterdam) EC 062-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27943

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE368.064	14/02/2006	
Amendments tabled in committee		PE370.169	09/03/2006	
Committee opinion	AFET	PE369.925	23/03/2006	
Committee opinion	BUDG	PE367.784	28/03/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0427/2006	28/11/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0590/2006	14/12/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03691/1/2006	23/05/2007	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0123	06/04/2005	Summary
Document attached to the procedure	SEC(2005)0435	06/04/2005	
Supplementary legislative basic document	COM(2005)0123/2	24/05/2006	Summary
Document attached to the procedure	COM(2006)0239	24/05/2006	Summary
Commission response to text adopted in plenary	SP(2007)0303	24/01/2007	
Follow-up document	COM(2011)0448	20/07/2011	Summary
Follow-up document	SEC(2011)0940	20/07/2011	
Follow-up document	COM(2011)0857	09/12/2011	Summary
Follow-up document	C(2011)9771	22/12/2011	
Follow-up document	COM(2014)0235	23/04/2014	Summary
Follow-up document	COM(2018)0456	12/06/2018	Summary
Follow-up document	SWD(2018)0336	12/06/2018	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2014)0235	05/10/2015	

Other institutions and bodies

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

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2007/0574 OJ L 144 06.06.2007, p. 0022	Summary

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

2005/0047(COD) - 23/04/2014 - Follow-up document

The Commission presents a report on the ex-post evaluation of the External Borders Fund (EBF) for the period 2007-2010.

Purpose of report: the Decision establishing the EBF requires the Commission to submit an ex-post evaluation report on the EBF's implementation for the period 2007-10 by 31 December 2012. This report must be based on national reports evaluating the results and impact of the national actions co-financed by the EBF. It presents the main ex-post findings of 26 participating countries. Together they cover a financial allocation of **EUR 630 million, or 40 % of the EBF's total allocation.**

The report evaluates the relevance, efficiency, effectiveness, complementarity and value added of the 2007-2010 EBF.

To recall, the External Borders Fund was created for the period 2007-2013 and given a budget of EUR 1 858 million. It is part of the general programme 'Solidarity and Management of Migration Flows', which has a total budget EUR 4 032.23 million.

The purpose of the EBF is to support the creation of consistent capacity to manage migration flows and apply common border and visa management standards across the Schengen Area. It was set up to promote solidarity among Member States by providing them with financial assistance to manage their migration flows and by contributing to the development of a **common integrated border management system**.

The EBF is implemented by 28 countries and works with a strategic multiannual programme covering the whole programming period. The yearly financial allocations are negotiated separately and laid down in annual programmes.

Main conclusions: having analysed Member States' reports and information from other sources, the Commission concludes that the **EBF is meeting its objectives** despite some delays in implementation. With a very satisfactory average implementation rate of 86.7 %, the EBF is fulfilling its purpose as an EU tool for co-financing investment in the external borders and in the consulates of participating countries. In so doing it serves the interests of the Schengen area as a whole and is achieving visible, lasting results.

EBF investment during the reporting period has resulted in:

- 3.6 million patrol missions,
- an overall decrease in average response time, and
- surveillance systems installed **along 8 279 km** of the external borders.

The report also notes: (i) Member States modernised equipment at between a third and 100% of their border crossing points, reducing waiting time for travellers undergoing checks; (ii) **over 1.8 million visas** were issued at new or renovated consulates, and **378 consulates connected to the central VIS**; (iii) the SIS was extended to include 120 additional institutional stakeholders.

The EBF's success is partially the result of its specialised character. By focussing on external border management and visa issuance, it avoids scattering its resources. Expenditure seems to have been spread fairly evenly among the EBF's priorities. However, Member States **allocated fewer resources to upgrading consulates and visa issuance.** These generally benefit the Member States' foreign ministries, which are not directly in charge of border management. The report states that it would be **useful to create a flexible mechanism enabling relevant institutions to participate more fully.**

As this was the first effort to share the management of a fund supporting such an unpredictable area of activity, some constraints were inevitable. They were compounded by the fact that funding had to be calculated and allocated annually, which affected the implementation timetable. In most cases, however, constraints were overcome by the participating countries' efficient and innovative approach.

The Commission, for its part, provided continuous guidance, simplified the implementing rules and made funding available for maintenance of equipment already acquired with support from the EBF.

The flaws identified by Member States and the lessons learnt were taken into account when preparing the 2014-2020 multiannual financial framework.

The general aim is to broaden the scope of Union funding in support of internal security and its external dimension, while further simplifying the delivery mechanisms and increasing flexibility, **especially in response to emergencies**. Better use can be made of relevant Union agencies such as Europol and Frontex.

Shared management is to be continued, but with a shift to multi-annual programming. The future Internal Security Fund will cover visa and border management, but will add a new element by **integrating police cooperation in the fields of crime prevention and crisis management.** Extending shared funding management to police cooperation will pave the way for more targeted and overarching support.

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

2005/0047(COD) - 24/05/2006 - Supplementary legislative basic document

The Commission adopted, on 6 April 2005, its proposal for a Decision establishing the External Borders Fund for the period 2007-2013 as part of the general programme 'Solidarity and Management of Migration Flows'.

The financial envelope set out for this specific Fund for the entire programming period was EUR 2.135 million.

Following the signing of the Interinstitutional Agreement (IIA) on 17 May 2006 concerning the 2007-2013 financial framework, the Commission adopted a series of amended proposals concerning the new financial instruments in the area of justice, freedom and security taking account, in particular, of the adjusted amounts of expenditure : **for a more detailed account of the amounts, please refer to the financial statement**.

Concerning the financial resources, the new amounts to take into consideration for the FRONTEX Fund shall be EUR 1.820 million (**for details, please refer to the financial statement**).

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

2005/0047(COD) - 24/05/2006

Package of legislative proposals following the Interinstitutional Agreement on

budgetarydiscipline 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:

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

Solidarity and Management of Migration Flows Programme(JHA):

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

Ø **COD/2005/0049** (**European Return Fund**)

Fundamental Rights and JusticeProgramme (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** (**RDT Capacities 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": External Borders Fund 2007-2013

2005/0047(COD) - 20/07/2011

The Commission presents a Communication on the application of the criteria for the distribution of resources among the Member States under the External Borders Fund, the European Fund for the Integration of third-country nationals and the European Return Fund, as required by the Decisions establishing the Funds. These were established by the General Programme Solidarity and Management of Migration Flows for the period 2007-2013 with a total allocation of EUR 4.020 million.

The report presents the approach on the application of the criteria for the distribution of the resources while the accompanying staff working document outlines in detail the results for the Member States. By presenting the data, the methodology used and the results of the application of the criteria, these documents may help inform the thinking of Member States, the institutions and stakeholders on the future of EU funding in the area of the management of migration flows under the next multi-annual financial framework.

For each Fund the annual distribution of the available EU financial resources among the Member States is **based on specific and objective criteria** which reflect the situation of the Member State: e.g. the size of the external borders to be protected and the number of persons crossing them; the number of legally staying third-country nationals to be integrated into society; the number of return decisions to be implemented. The definition of the criteria is the most concrete expression of the principle of solidarity underlying the Funds in the sense that those Member States most affected by the management of migration flows are meant to benefit the most from EU funding. Each year the Commission draws upon both EU statistics from EUROSTAT and ad hoc data supplied by Member States to do the calculations.

This report focuses on the calculations for the financial years 2007 – 2011. The data collection process was reinforced as a result of the entry into force of Regulation No 862/2007/EC (Migration Statistics Regulation).

The basic acts for the four Funds came into force in the summer of 2007, a few weeks before the first calculations for the resources to Member States were due.

Thanks to the preparatory work between the Commission and the Member States on the data for the allocations in anticipation to the entry into force, the Commission was in a position to submit to Member States by July 2007 the information on the allocations for 2007 and 2008. Together with the extrapolations for the period 2009-2013, these figures guided Member States in setting the indicative financial framework as the basis of the multiannual strategy for the implementation of the Funds.

The Commission states that in the course of the 2007-2011 financial years, the principles and work methods for data collection, gradually established and defined each year, have come to bear fruit; the last exercise has shown how they have increasingly simplified and facilitated the work on the calculations. The methodology used has proved effective, and the Commission was able to submit the calculations to Member States in general on time.

The **Migration Statistics Regulation is increasingly the backbone of the system for data collection under the Return Fund and the Integration Fund**. The system put in place for data collection on the **External Borders Fund, while different, is also proving adequate**. The checks put in place in either system, while not always optimal given inherent limitations in data sources, validation tools and the administrative capacity for data analysis in the EU, form nevertheless a solid basis on which to continue making the calculations for future financial years. In terms of the definitions of the data collection, some differences may remain between the Migration Statistics Regulation and the criteria laid down in the basic acts. In practice, solutions have been found on a bilateral basis and efforts to improve co-operation and exchange of data between Member States and the Commission, including EUROSTAT, will continue. It should be noted that the compilation of European Statistics is a co-operative process that greatly depends on the reliability of the data supplied by national authorities.

Given the particular importance of ensuring the quality of the statistics used for the allocation of the four Funds, a **specific quality assurance programme** has been put in place by EUROSTAT and there will be on going work to continue quality improvements.

While the Commission was in general able to deliver the final calculations on time thanks to all these factors, it has to be recognised that the amount and complexity of the data to be collected and verified each year imposes a recurrent administrative burden on the Member States and the Commission. There may be **more cost-effective ways of ensuring the application of distribution keys** which seek to express the principle of solidarity underlying the Funds.

The External Borders Fund: the final distribution of the resources shows that the main beneficiaries of the Fund were the Member States with the highest responsibility in implementing the common policy for the management of external borders:

- Spain, Greece and Italy receive 48% of the Fund's allocation for the period 2007-2011;
- if France, Malta, and Cyprus are added to the three main beneficiaries, the distribution of the Fund shows that 60% of the financial assistance is concentrated on Member States bordering on the Mediterranean sea and the Canary islands area;
- at the same time, Member States having a land border in the East (Poland, Hungary, Finland, Slovenia, Romania, Lithuania, Estonia, Bulgaria, Latvia, and Slovakia) account for 25% of the total allocation;
- the results confirm the purpose of the Fund as an instrument of financial solidarity on integrated border management in the EU.

The European Fund for the Integration of third-country nationals: the five main beneficiaries are Italy, United Kingdom, Spain, Germany and France, accounting for nearly 70% of the allocations. In light of the size of the immigration to these Member States and the challenges faced by the EU in this area in the period 2007-2010, the results confirm the purpose of the Fund as an instrument of financial solidarity for the development of integration policies in the EU.

The European Return Fund: the three main beneficiaries are Greece, United Kingdom and Spain. Together with France, Italy and Germany, these countries account for nearly 67% of the allocations. In light of the size of the migratory pressure on these countries and bearing in mind the shift in flows of irregular entries over the years from the Spanish coast (Canary Islands) towards the Central Mediterranean route to the Greek borders with Albania and Turkey, the results confirm the purpose of the Fund as an instrument of financial solidarity for return management in the EU.

The results of the application of the criteria are generally perceived as satisfactory. The application of the criteria has served the objectives as defined by the European Parliament and the Council in the basic acts establishing the Funds of the General Programme Solidarity and Management of Migration Flows since they have converged the bulk of the EU resources available around those Member States most affected by the challenges posed by the management of migration flows of third-country nationals into the EU. Under these circumstances, it is not deemed necessary to come forward with proposals to amend the criteria.

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

2005/0047(COD) - 14/12/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved four programmes as part of the Solidarity and Management of Migration Flows framework programme. The framework aims to facilitate a fair share of responsibilities between Member States managing the external border and the implementation of common asylum and immigration policies. Four funds are created: **the External Borders Fund (COD/2005/0047), the European Refugee Fund (COD/2005/0046), the Return Fund (COD/2005/0049) and the Integration Fund (COD/2005/0048).**

The External Borders Fund (starting 1 January 2007) sets up support for sharing responsibility for external border control. It has a budget of EUR 1820 million for 2007-2013 and provides for upgrading infrastructure (e.g. border crossing points, video surveillance) along the 6,000km land and 85,000km coastline which make up the EU's external border. Supporting the development of a common visa policy is also key to tackle illegal immigration and aid bona fide travellers in the EU. This funding will compliment ongoing activities undertaken by FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU. Frontex will be allocated EUR 35 million.

The key amendments made by Parliament, following the report by Barbara **Kudrycka** (EPP-ED, PL), are as follows:

- Parliament emphasised the application of the principle of solidarity between the Member States;

- it defined "external borders" as the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports to which the provisions of Community law on crossing of external borders apply, whether these borders are temporary or not. It also inserted a definition of border crossing point;

- one of the general objectives of the Fund is uniform application by the border guards of the provisions of Community law on the crossing of external borders, in particular the Schengen Borders Code ;

- a specific objective is developing new working methods, logistical measures and state of the art technology to strengthen systematic controls of persons on entry and exit at border crossing points;

- the Fund will support the building and upgrading of areas and centres 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;

- the Fund should promote a wide variety of co-operation between the Member States, between the authorities dealing with border guard as well as visas, including common consular offices as a gradual evolvement. Stress is put on the introduction of innovative measures as regards the new technology, surveillance equipment, and the security of travel documents. Parliament emphasised the use of VIS, FADO and other European systems;

- a recital states that, in accordance with Protocol No 5 of the Lithuanian Accession Treaty on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the Fund shall bear any additional cost incurred by implementing the specific provision of the acquis provided for such transit;

- Parliament stated that, as a complement to operational cooperation developed under the aegis of the Agency and in addition to the allocation of the funds to the Member States, the Fund should also introduce the possibility for a Community response to weaknesses at strategic border points by co-financing specific actions to address these weaknesses, on the basis of a specific amount set aside each year for these actions.

- 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 criteria for allocation of the funds is broken down according to the type of borders, taking into account the flow and the levels of threat at the external borders of the Member States of the European Union. The annual distribution to Member States for eligible actions is allocated on the following basis: 30 % to the external land border; 35 % to the external maritime border; 20 % to airports; 15 % to consular offices.

- the application of the criteria will be reviewed in 2010 to enable any new circumstances arising, including in particular those resulting from changes in the external borders themselves, to be taken into account;

- due to the fact that the fund could support national measures of a Member State to implement the Schengen provisions, reaching from external borders to visa policy, at different levels and locations several authorities of a Member State might be involved. Therefore Member States are allowed to designate several certifying and audit authorities or delegated authorities as long as there is a clear allocation of functions for each of these authorities;

- bearing in mind the importance of visibility of the Community funding, the Commission will provide guidance to facilitate that any authority, non-governmental organisation, international organisation or other entity receiving a grant by the Fund properly acknowledges the support received, taking into account the practice for other instruments under shared management, such as the Structural Funds;

The other funds are:

- the **European Refugee Fund**, which will provide approximately EUR 700 million up to 2013 to support Member States in receiving refugees and displaced persons and apply consistent, fair and effective asylum procedures. Some 300 000 people apply for asylum or subsidiary protection in the EU each year.

- the **Return Fund** (starting 1 January 2008) provides EUR 676 million for 2008-2013. This emphasises voluntary return and provides funding to help Member States counsel unsuccessful applicants. It also includes measures such as joint flights with other Member States to tackle the problem of 500.000 people illegally staying in the EU a year.

- the **Integration Fund** (starting 1 January 2007) is particularly targeted at new immigrants and provides EUR 825 million to Member States to favour their integration process. It will support the forthcoming Framework Directive on the rights of legally residing migrants and projects fashioned to promote the Community integration strategy. This new instrument will also help Member States to share their experiences and best practices, thereby strengthening teamwork at European level. Programmes covering civic orientation, language, history and cultural are all supported.

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

2005/0047(COD) - 06/04/2005 - Legislative proposal

PURPOSE: proposal to establish the External Borders Fund for the period 2007-2013 as part of the general programme ‘Solidarity and Management of Migration Flows’.

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/2005/0046**, **CNS/2005/0048**, and **COD/2005/0049**.)

CONTENT: Burden-sharing between Member States and the Union for the management of external borders is one of the components of the common policy for the management of the external borders. Comparatively few Member States have land and/or sea borders of any length or geopolitical importance which require close and detailed surveillance - these bear the brunt of the responsibility for controlling illegal immigration and for safeguarding internal security by controlling the crossing of external borders of the Schengen area. They also as a result bear a disproportionate share of the costs involved not only in preventing illegal entry but equally importantly of enabling those who are authorised to do so to enter without undue delay or inconvenience.

The four main policy objectives to which the Fund will contribute are:

- to improve the efficiency of controls and thereby the effectiveness of the management and protection of external borders in order to reduce illegal entry and increase the security of the internal EU area of free movement;
- to make it easier and faster for authorised travellers to enter the EU in conformity with the Schengen acquis while protecting the EU against illegal entry;
- to achieve a uniform application of the EU law by Member States and an overall efficiency of national border guards in carrying out their tasks in accordance with EU law;
- to enhance the efficiency of the issuing of visas and the implementation of other pre-frontier checks.

It is proposed that the Fund also supports actions relating to the common visa policy. An efficient visa management can be considered as a stage preliminary to external border control and would therefore constitute an integral part of a common integrated border management system in the EU, as suggested in the Hague Programme.

Under these objectives will also be incorporated aspects of two existing financial instruments: the 'Schengen Facility' and the 'Kaliningrad Facility'.

The proposal discusses the complementarity of the Fund with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the

EU. The Agency provides the Commission and the Member States with the necessary technical support and facilitates the application of Community measures on external borders. Consequently, the Fund will only support actions by Member States at national level which contribute to the Community objectives and not actions relating to the co-operation with other Member States in the management of the external borders. Moreover, the resources set aside under the Fund for actions of interest to the Community ('Community actions') will primarily relate to visa policy (objective no 4 under the Fund), a matter which does not fall under the competence of the Agency.

New Member States are eligible for support under this Fund as of its entry into force on the 1 January 2007, even if Council Decisions have yet to be taken with respect to the application of the Schengen provisions on removing checks on persons for one or more of the new Member States concerned. The following points should be noted:

- -for the purpose of the annual calculation of the length of the external borders under the distribution key, all external borders with third countries not associated with the implementation, application and development of the Schengen acquis will be counted;

- the temporary borders will be counted but only for the Member States which already fully implement the Schengen acquis;

- to underline the provisional character of the temporary borders and to express the fact that the political priorities should be with supporting the 'definitive' borders, it is proposed that the temporary borders will not be given the same weight as the 'definitive' borders.

The proposal goes on to discuss the allocation of resources. Without prejudice to the specific calculation in regard to the burden of the Kaliningrad transit Scheme, the resources will be allocated to the Member States on the basis of a distribution key defining in general the relative burden of Member States in relation to integrated border management and the common visa policy. The distribution key will consist of two components: one related to the constant elements and one to more variable elements. The available resources would be broken down between the Member States as follows:

- 40 % in proportion to the constant elements (namely the length of the external land borders, the length of the sea borders, the number of authorized border crossing points (land, air, sea) and the number of consular offices) and

- 60% in proportion to the variable elements (namely the number of persons crossing the external borders; the number of third country nationals refused entry, the number of apprehended people and the number of visa applications (visas issued and visas refused).

To ensure the use of funds in the most efficient way, the proposal contains very detailed provisions as regards the operational objectives to be achieved as well as the types of actions identified as contributing to these objectives.

In accordance with the need to rationalise and harmonise management and control systems, the provisions of this proposal are aligned with the provisions proposed for the three other Funds under the general programme on "Solidarity and Management of Migration Flows". Programming is organised on a multiannual level, with two programming periods: 2007-2010 and 2011-2013, with annual programmes implementing the multiannual programmes.

The United Kingdom and Ireland will not take part in the application of the Decision.

This proposal is one of four draft decisions which comprise the framework programme "Solidarity and management of migration flows". (Please refer to COM(2005)0123). Four Funds are set up as part of the framework programme.

The proposal on the External Border Fund, along with the draft decisions establishing the Fund for integration of legally staying third country nationals (**CNS/2005/0048**), the European Refugee Fund (**COD/2005/0046**) 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. The financial allocation for the Fund under the Financial Perspectives proposed by the Commission for the 2007-2013 period is EUR 2.152 million.

For further information concerning the financial implications of this measure, please refer to the financial statement.

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

2005/0047(COD) - 05/10/2006

Recognising the need for an adequate European response to the growing humanitarian crisis in the Mediterranean and the Atlantic coast as caused by the dramatic increase over recent months in the number of immigrants arriving in the Canary Islands, Lampedusa, Malta and the Greek Islands, the Council has adopted a series of conclusions aiming to reinforce the southern external border. This response must take into account the particularities of the Southern external maritime border, including cooperation with third countries and must be based on the principles of tangible European solidarity with equitable sharing of responsibilities between Member States and between Member States and countries of origin or transit.

Furthermore, the European actions in the Mediterranean and Atlantic coast should be seen as part of the wider European approach to manage migration and combat illegal migration to the European Union and therefore should be coherent with other policies and actions taken in this area like those along the EU's external borders of Eastern Europe and the Balkans.

The Council requests work to be taken forward on the development of the EU integrated management system for external borders/border management strategy, taking into account the particularities of each border, which will make for a long-term adaptable strategy to meet the objectives of the Community in the field, with a view to the adoption of the necessary strategic guidelines no later than December 2006.

It will equally seek early agreement on the General Programme – Solidarity and Management of Migration Flows 2007-13 in order to ensure the availability of funds for new actions in this area based on a spirit of solidarity.

The Commission is invited to:

- examine urgently the needs and possibilities for reinforcing Frontex by way of additional personnel and increasing its budget allocation in order to allow its further development and increase its capacity to respond immediately to crisis situations, in particular through speedy coordination procedures with Member States participating in Frontex operations within the existing financial framework of the European Union;

- follow up its examination of international instruments on the law of the sea, in conjunction with relevant aspects of refugee law, with a view to helping in the development of guidelines on the legal scope for action to be taken by the Community and its Member States to counter migration flows on the high seas without prejudice to the principles laid down in the international legal framework on the law of the sea and the protection of refugees;

- assess the needs and examine means for ensuring appropriate reception and support conditions in cases where large numbers of third country nationals including minors are trying to illegally enter the territory of a Member State and coordinate adequate targeted support from the Community and other Member States, making use of relevant financial instruments, in particular the General Programme – Solidarity and Management of Migration Flows 2007-13, within the existing financial framework of the European Union;

- examine the ways and means for improved identification and return of the irregular (undocumented) migrants through the establishment and more effective use of existing and agreed European databases.

The Council invites **Frontex** to take forward work on the feasibility study on the establishment of a European Surveillance System capable of initially covering the whole of the southern maritime border of the Community and the Mediterranean Sea (BORTEC) and to continue preparations to urgently activate Article 7 of the Council Regulation EC 2007/2004 in order to establish a centralised record of technical equipment belonging to Member States which could be put at the disposal of another Member State following a needs and risk analysis carried out by the Agency.

Member States are invited to actively contribute to the centralised record of technical equipment, in order to have an extensive central pool of assets and equipment available in particular for the maritime border for operational needs by summer 2007.

The Council intends, together with the Commission, to work in close cooperation with the third countries of origin and transit concerned in developing relevant operational activities. The cooperation with countries of origin and transit should be based on a mutual responsibility and commitment to manage migration flows. Therefore all third countries involved along the migration routes are called upon to take all the necessary actions to combat illegal migration.

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 Unionto 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.

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

2005/0047(COD) - 09/12/2011 - Follow-up document

In accordance with Council Decision 574/2007/EC, the Commission presents a report on the results achieved and on qualitative and quantitative aspects of implementation of the External Borders Fund for the period 2007-2009. It recalls that for the period 2007-2013 the EU established the General Programme “Solidarity and Management of Migration Flows” with a total allocation of EUR 4 032. 23 million. The General Programme consists of **four Funds**, one of which is the External Borders Fund, established for the period 2007 – 2013 with a total envelope of **EUR 1 820 million**. This amount is supplemented by the contributions from the Schengen Associated States, Norway, Iceland, Switzerland and Lichtenstein, participating in the Fund as of 2010.

The report presents results achieved by the annual programmes 2007-2009 and provides input in the reflection process on the future instruments. Its submission is timed to assist the European Parliament and the Council with the preparation for the next multiannual financial framework and not to provide a comprehensive and final evaluation.

EU resources made available to Member States and matched national funding: in the reporting period nearly 30% of the overall envelope for the Fund was made available for actions implemented under both shared and direct management, amounting to EUR 525 million. For the first three years, 69 annual programmes were approved, committing EU resources of over EUR 434 million. The main beneficiaries were Spain (EUR 94.4million), Italy (EUR 59.8million) and Greece (EUR 50.7 million). Their aggregate allocation amounted to nearly 50% of the total for all participating Member States.

EU resources reserved for Community actions and specific actions: EUR 13 591 710 has been committed for the implementation of the Community Actions during the reporting period. This amount covers 14 projects on cooperation between Member States on immigration liaison officers and 4 on setting up common application centres in third countries.

Assessment by Member States: most Member States gave a positive overall assessment of the results of the actions co-financed by the Fund. Many Member States highlighted the challenges encountered during the implementation and suggested simplification of the regulatory framework: (i) the first

two years were characterised by some degree of uncertainty and delays in the adoption of the regulatory framework and the annual programmes; (ii) the rules governing the eligibility of expenditure were deemed complex and cumbersome; (iii) procurement procedures usually consist of several stages and national legal framework may require additional steps. The final outcome may be unsatisfactory or there may be a need to suspend, postpone, cancel or change the scope of the project.

To mitigate the challenges, the Commission initiated three revisions of the Implementing Rules resulting in extension of the eligibility period and major simplifications of the eligibility rules.

Assessment by the Commission: the Commission finds that, despite starting difficulties and some specific issues with the rules and implementation, the Fund lived up to its objectives. For 2007-2009 it **clearly fulfilled its purpose as a specific vehicle to channel EU aid to boost investments at borders** and in consulates in the interest of the Schengen area as a whole. The report illustrates that the Fund actively leveraged important EU policy initiatives and projects. As such, it contributed significantly to furthering integrated border management and the use of new technologies to facilitate legitimate travel. Besides the development of the Schengen Information Systems and the Visa Information System, the Fund supported pilot projects on the introduction of automated border controls and preparation for the registered travellers' programme. Thanks to the financial contribution of the Fund to these measures, even if relatively small, valuable experiences were gained through the development of such innovative systems which will be an important input for the Commission in the further preparations of the 'smart borders concept' for the future, notably with regard to making it possible to use them also for third- country nationals. In that respect, Member States are encouraged to include fingerprint readers in their ABC projects, in order to make them future-proof in relation to the EES and RTP (Smart Borders initiative). The Fund proved also very useful for boosting investments in vulnerable areas, such as the Mediterranean.

It has helped improving the management of the EU external borders, fighting against irregular migration as well as enhanced Member States cooperation, as testified by the following results:

- thanks to the investments in national communication systems, border crossing infrastructure, state-of-the-art operating equipment for border checks and surveillance, means of transport and training for border guards, Member States benefited from significant technical improvements at the external border and at border crossing points, resulting in increased safety at EU external borders, more effective border traffic control and improved coordination between the various law enforcement authorities at national level;

- under the 2007-2009 annual programmes Member States purchased and upgraded the necessary equipment for the VIS and SIS II, enabling a smooth connection of the national platforms to the central systems. Given that all participating Member States must be ready with development of their national systems, in order for these European projects to function properly as a whole, the Fund, as a long term framework for complementing national funding, has proven to be of vital importance for the implementation these common IT projects;

- Member States made use of the additional resources provided by the Fund for measures to improve the visa handling process by investing in modern technology equipment (including biometric capture devices) and strengthening the security of consular offices. These measures had contributed to swifter processing of visa applications, enhancement in the quality of services and an equal and fair treatment of visa applicants.

Recommendations for the remainder of the multiannual period: as of 2011, Member States were invited to develop a programming of actions specifically targeted to the achievement of a number of key strategic objectives. The overall aim is to underscore the coherence with the most important common priorities of the EU as established in the Stockholm Programme, essential for the successful management of migratory flows in the Schengen area as a whole.

Consequently, Member States have been invited to concentrate resources under the Fund on the investments needed into the following five strategic objectives:

- realising the SIS II;
- the VIS roll-out at consulates and border crossing points;
- consular cooperation between Member States;
- building up the European Surveillance System;
- introducing new technologies supporting smoother border crossings, notably the automated border control systems.

The Fund's appropriations for 2011 were directed primarily towards meeting the EU requirements in these areas and this approach will be reinforced for the 2012-2013 period.

The report adds that Member States could explore more extensively the **possibilities of setting up multiannual projects,** thus reducing also the incidence of selection processes and establishing a stable financial multiannual planning.

Furthermore, the Commission recognises that once the above five strategic objectives and remaining national capacity building objectives are adequately met, **resources under the Fund could also be directed to support an effective continued use of past investments made with EU resources.** Thus, future actions could also finance maintenance, repairs and upgrades in relation to investments made under previous annual programmes of the Fund or, for some countries, the Schengen Facility. This is also possible in case of emergencies.

The next milestone for the Fund is the ex-post evaluation report for 2007-2010, which is due by 31 December 2012.

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

2005/0047(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 **External Borders Fund (EBF),** the European Refugee Fund (ERF), 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 Borders Fund (EBF), which was established with the aim of **managing the EU external borders**, with a focus on efficient organisation of controls and management of the flows of persons, uniform application of EU legislation by border guards and improvement of consular services. It was allocated a total of EUR 1 097 million under the SOLID Funds and had an average absorption rate of 87% under the 2011-13 annual programmes.

Overall, Member States considered the EBF objectives **relevant** in view of their needs related to the management of the EU external borders and the processing of Schengen visas The report makes the following points on the EBF:

- in both 2007-10 and 2011-13, the **highest allocations of funding** went to the same three Member States: Italy, Spain and Greece. In addition, **the EBF was flexible enough** to respond to the changing needs induced by the beginning of the migration crisis by allocating additional resources to the Member States affected via emergency actions;
- the EBF made a **crucial contribution** to the application of the Schengen acquis considering both the increase of migration flows experienced since 2011 and the financial constraints faced by many Member States at the time. The EBF 2011-13 actions made a positive contribution towards a progressive establishment of a common integrated border management system by **promoting harmonised checks on persons at border crossing points** through training programmes, the construction and upgrading of the crossing points and the acquisition of vehicles, vessels and aircrafts used for border patrols. However, only few Member States reported that Fund support was essential for the acquisition of state-of-the-art technology at the EU external borders;
- the Fund helped **tackle the fragmentation of Member States information exchange systems** by supporting the development at the national level of EU systems such as VIS and SIS II and EUROSUR. In a context where national funding was scarce, the Fund helped ensure that these systems became operational, as it contributed to the finalisation of their building blocks;
- for both the 2007-10 and 2011-13 periods, the EBF moderately contributed to the development of **consular cooperation** between Member States and third-countries.
- overall, **EBF investments** were considered to be sustainable: most of the assets acquired and the knowledge generated were still being used at the time of the evaluation. Many activities implemented under ISF built on the results of the EBF. A few specific projects faced financial constraints and therefore raised sustainability concerns, such as the deployment of immigration liaison officers in third countries;
- EBF investments were found to be **complementary and coherent** with activities funded under other EU Funds, with European Border and Coast Guard Agency activities, as well as with national investments. EBF added value has been assessed as being particularly high in Member States with limited financial resources or facing tight budgetary constraints.

The report makes certain observation common to all four funds. In the case of the EBF, the main findings have already been taken into consideration under the Internal Security Fund (ISF), which succeeded the EBF. The report notes in this respect that the absence of effective **monitoring and evaluation mechanisms**, common to all Member States, was a critical issue for the evaluation of the SOLID Funds, and was addressed for ISF and AMIF (which succeeded the ERF, EIF and RF), with a first list of common indicators included in the legal base and a common monitoring and evaluation framework. Furthermore, **additional flexibility** has been built in to the allocation mechanism for funds, but the unbalanced distribution key remains an important issue, which would still need to be addressed in the next multiannual financial framework.