Basic information

2011/0367(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions See also 2011/0366(COD) See also 2011/0368(COD) Amended by 2020/0140(COD) **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.30.05 Police cooperation 7.30.09 Public security 7.30.30 Action to combat crime	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	FONTANA Lorenzo (EFD)	09/02/2012
	Shadow rapporteur PIRKER Hubert (PPE) FAJON Tanja (S&D) MULDER Jan (ALDE) KELLER Ska (Verts/ALE) KIRKHOPE Timothy (ECR) VERGIAT Marie-Christine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	HOHLMEIER Monika (PPE)	15/02/2012

Council of the European Union

Council configuration	Meetings	Date
Foreign Affairs	3309	2014-04-14
Justice and Home Affairs (JHA)	3135	2011-12-13

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
15/11/2011	Legislative proposal published	COM(2011)0752	Summary
13/12/2011	Debate in Council		Summary
15/12/2011	Committee referral announced in Parliament, 1st reading		
09/01/2014	Vote in committee, 1st reading		
13/01/2014	Committee report tabled for plenary, 1st reading	A7-0021/2014	Summary
12/03/2014	Debate in Parliament		
13/03/2014	Decision by Parliament, 1st reading	T7-0241/2014	Summary
13/03/2014	Results of vote in Parliament		
14/04/2014	Act adopted by Council after Parliament's 1st reading		
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
20/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2011/0367(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also 2011/0366(COD) See also 2011/0368(COD) Amended by 2020/0140(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 078-p2 Treaty on the Functioning of the European Union TFEU 079-p2 Treaty on the Functioning of the European Union TFEU 087-p2 Treaty on the Functioning of the European Union TFEU 082-p1 Treaty on the Functioning of the European Union TFEU 084 Treaty on the Functioning of the European Union TFEU 079-p4
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/07982

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE489.460	26/06/2012	
Committee opinion	BUDG	PE492.552	14/09/2012	
Amendments tabled in committee		PE494.863	04/10/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0021/2014	13/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0241/2014	13/03/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00139/2013/LEX	16/04/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0752	15/11/2011	Summary
Document attached to the procedure	SEC(2011)1358	15/11/2011	
Document attached to the procedure	SEC(2011)1359	15/11/2011	
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	
Follow-up document	COM(2018)0464	12/06/2018	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0752	01/03/2012	
Contribution	IT_SENATE	COM(2011)0752	09/03/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2014/0514
OJ L 150 20.05.2014, p. 0112 Summary

Delegated acts	
Reference	**Subject**
2014/2782(DEA)	Examination of delegated act
2014/2794(DEA)	Examination of delegated act
2015/2777(DEA)	Examination of delegated act
2018/2705(DEA)	Examination of delegated act
2016/2926(DEA)	Examination of delegated act

Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 15/11/2011 - Legislative proposal

PURPOSE: to lay down the general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management., in the framework of the Horizontal Regulation for implementation.

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

BACKGROUND: Home affairs policies have been steadily growing in importance over the last years. These policies are at the heart of the European project to create an area without internal borders where EU citizens and third-country nationals may enter, circulate, live and work.

The Commission adopted a proposal for the next multi-annual financial framework for the period 2014-2020: a budget for delivering the Europe 2020 strategy. The Commission proposed to simplify the structure of the expenditure instruments by reducing the number of programmes to a two-Fund structure: an Asylum and Migration Fund and an Internal Security Fund.

Experience suggests that in the current programming period, the diversity and fragmentation of rules governing spending programmes are often perceived as unnecessarily complicated and difficult to implement and control. This imposes a heavy administrative burden on beneficiaries as well as on the Commission and Member States, which can have the unintended effect of discouraging participation, **increasing error rates and delaying implementation**. This means that the potential benefits of Union programmes are not fully realised.

This Regulation is part of a package of four Regulations, jointly establishing the framework for Union funding on home affairs under the two Funds.

This Regulation lays down rules on programming, management and control, financial management, clearance of accounts, closure of programmes and reporting and evaluation. Thus, it sets out the delivery mechanisms whereas the purpose and scope of the two Funds, the resources and means of implementation are defined in their respective specific Regulations.

This **horizontal instrument will ensure a common approach to the implementation of the two Funds** and a uniform treatment of beneficiaries in relation to all Union support in the area of home affairs.

IMPACT ASSESSMENT: i accordance with the greater emphasis placed on evaluation as a tool to inform policy making, this proposal is informed by evaluation results, stakeholder consultation and impact assessment.

The impact assessment identified problems in relation to the scope and priorities of the current home affairs spending programmes on the one hand and the problems regarding the delivery of funding on the other hand. In relation to the latter, the impact assessment examined options in relation to shared management, centralised management and the timely response to emergency situations.

In relation to shared management, the impact assessment concluded that a multiannual programme preceded by a policy dialogue was the preferred option. Contrary to the status quo, which combines annual programmes within a multiannual framework, it would significantly reduce administrative workload.

In terms of improving the delivery of funding under centralised management, the status quo was discarded because it offers little or no prospect of simplification or reduction of administrative workload. Recourse to a more targeted, less resource-intensive and diversified centralised management is the preferred option because it is expected to improve relations with key stakeholders and to lead to an overall reduction in workload.

In relation to the emergency response mechanism, the impact assessment concluded that the current mechanism clearly does not meet the need for a quicker and more effective response to crises in the areas of migration and security. An improved mechanism extended to both a wider range of migration-related crises and security-related crises was considered the preferred option.

Stakeholders supported the idea of reducing the number of financial instruments to a two-Fund structure on the condition that this would actually lead to simplification. They also agreed on the need for a flexible emergency response mechanism to allow the Union to respond quickly and effectively to migration and security-related crises.

Shared management with a move to multi-annual programming with the definition of common targets at Union level was generally seen as the appropriate management method for all home affairs spending although non-governmental organisations were of the view that direct management should also be continued.

LEGAL BASIS: Articles 78(2), 79(2), 79(4), 82(1), 84 and 87(2) of the Treaty on the Functioning of the European Union (TFEU). In light of this legal basis, the provisions of this Regulation lay down horizontal common provisions for the implementation of the Asylum and Migration Fund and one component of the Internal Security Fund, namely the instrument for financial support for police co-operation, preventing and combating crime, and crisis management.

CONTENT: this Regulation lays down **obligations only of a financial and technical nature** and leaves the choices on the definition of policy objectives, eligible actions, the allocation of resources and the scope of the intervention for each specific policy area to the respective legal basis (i.e. in the Specific Regulations).

As a new general framework for implementing Union funding in the area of home affairs policies, this Regulation sets outs general rules on the financing of expenditure including rules on partnership, programming, reporting, monitoring and evaluation, the management and control systems to be put in place by the Member States and the clearance of accounts.

General principles: the proposed Regulation seeks to lay down the conditions for:

1. a more policy-driven and results-oriented funding, including through reinforced strategic programming;
2. a significant simplification of the delivery mechanisms compared to the current situation;
3. more flexibility in financial management and in the implementation, in light of the need to be able to address new and unforeseen circumstances typical of home affairs;
4. an enhanced monitoring and evaluation framework, ensuring accountability, transparency and informed reflection on future support in the area of home affairs.

The main principles are detailed as follows:

(1) A policy-driven and results-oriented agenda

(a) For shared management: at the beginning of the next Multiannual Financial Framework, there will be a single, overarching home affairs policy dialogue with each Member State on their use of the Funds. Taking into account the outcome of the policy dialogue, the programmes agreed between the Commission and the Member State will describe the baseline situation and lay down the objectives Member States are to achieve in the policy area and the objectives for the use of Union funding. The national programme will identify targets and examples of actions per objective.

In addition, a seven-year financial plan will indicate how the allocated resources are to be committed and spent, within the ceilings available.

In case of **actions to be implemented in and in relation to third countries**, such actions should not be directly development-oriented and the policy dialogue should seek full coherence with the principles and general objectives of the Union external action and foreign policy related to the country or region in question.

It is also provides that:

- Member States will report annually on financial management and the results achieved under the programmes;
- there will be a mid-term review in 2017 to re-examine the situation in each Member State. At this occasion, new resources can be allocated for the period 2018-2020.

(b) For direct and indirect management: the objectives to be achieved under the national programmes will be complemented by "Union actions" as well as a rapid response mechanism to deal with emergency situations.

- **Union actions** will support the implementation of Union policies through grants and procurement. They will include actions in and in relation to third countries as indicated in the Communication on the Multiannual Financial Framework. Such actions shall not be directly development oriented and shall complement, as appropriate, the financial assistance provided through the EU's external aid instruments.
- **Union actions and emergency assistance measures** may also be carried out by Union Agencies in the area of home affairs (Cepol, Europol, EASO, Frontex and the IT Agency). **Technical assistance at the initiative of the Commission** will be used to support Member States and beneficiaries, to encourage mutual learning and improve communication (including corporate communication where appropriate) and evaluation. These appropriations will also support adequate control measures in the Union and in third countries relating to actions funded.

(2) Simplification of delivery mechanisms

(a) For shared management:

- each Member State will be required to have a single national programme per Fund, thus bringing together various policy areas. The new framework represents a major simplification and reduction of administrative burden compared to the current four Funds, which work with both a multiannual strategy and annual programmes.

- a low number of revisions of national programmes are expected (there should be, per Member State and per Fund, one decision to approve the multiannual programme and, if needed, one decision to revise the programme in the context of the mid-term review);
- each Member States will set up a single management and control system per Fund, with the possibility of having one system to cover both Funds;
- the eligibility of expenditure shall be determined on the basis of national rules, subject to a limited number of common, simple principles (simplified cost options such as flat rates and lump sums in particular).

(b) For direct and indirect management:

- **in the event of emergency situations**:

- the mechanism shall be triggered by the Commission, also following the initiative of Member States, the Article 71 Committee (COSI) represented by the respective Union Presidency or other stakeholders such as international organisations, etc;
- all possible means will be used to avoid fragmentation by concentrating resources on a limited number of Union objectives;

- **for the financial support** to the development of new IT systems (**"the smart borders package"**), the current annual financial decisions enabling the Commission to develop the central parts will be replaced by a multiannual framework.

(3) Flexibility

(a) For shared management: the impact of the mid-term review will depend on the situation in the Member States. Member States which are deemed to have additional risks or which obtain additional resources to implement Union specific priorities would be invited to revise the amounts in their financial plan and where appropriate to add elements in their programme. Financial flexibility will be implemented notably through the different mechanisms provided by these proposals, bearing in mind as central phases for their implementation the multiannual financial programming and its annual update, the annual budget allocation and the annual budget implementation.

(b) For direct and indirect management: annual appropriations for Union actions, emergency assistance and, subject to annual ceilings, the technical assistance at the initiative of the Commission, are considered as one "envelope", thereby allowing maximum flexibility to decide from one financial year to another where the resources will be allocated, depending on the specific needs. The specific Regulations foresee implementation in relation to all the policies and objectives supported by the Funds and even financing policy-related aspects of the operation of the Funds.

(4) A coherent and efficient reporting, monitoring and evaluation framework

(a) For shared management: Member States will report annually on the implementation of the multiannual programme, as an integral part of the clearance of accounts' exercise. To feed into the mid term review process, they will be requested in 2017 to provide additional information on the progress made in achieving the objectives. A similar exercise will be undertaken in 2019, to allow, where appropriate, adjustments during the last financial year (2020).

Supporting the development of a evaluation-based culture in the area of home affairs, the Funds will have a common evaluation and monitoring framework with **broad policy related indicators** which underline the result-oriented approach to the Funds and the essential role they could play in the policy mix to achieve the objectives towards an area of freedom, security and justice. All measures will be established at the beginning of the programming period, thus enabling Member States to set up their reporting and evaluation systems on the basis of the agreed principles and requirements. To reduce the administrative burden and ensure synergies between reporting and evaluation, the information required for evaluation reports will build on and complete the information provided by Member States in the annual implementation reports of the national programmes. The **interim evaluation report is due in 2018** and should feed into the reflection on the subsequent programming period.

DELEGATED ACTS: in order to amend provisions of this Regulation on the common principles on the eligibility of expenditure, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.

Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 13/12/2011

The Council held a **first exchange of views** on the Commission proposals in the justice and home affairs area in the context of the multiannual financial framework (2014-2020):

- a regulation laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management;

- two regulations establishing, as part of the Internal Security Fund, the instrument for financial support for – external borders and visas; police cooperation, preventing and combating crime and crisis management;
- a regulation establishing the Asylum and Migration Fund.

On the justice side, the Council discussed the two proposals for regulations establishing the Justice programme and the Rights and Citizenship programme.

Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 16/04/2014 - Final act

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

LEGISLATIVE ACT: Regulation (EU) N° 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management

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

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

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

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

Those actions must be:

- coherent with the Union's external policy, respect the principle of policy coherence for development and be consistent with the strategic programming documents for the region or country in question;
- focus on **non-development-oriented measures**;
- serve the interests of the Union's internal policies be consistent with activities undertaken inside the Union.

The objectives of the Specific Regulations shall be pursued within the framework of the multiannual programming for the period 2014-20, subject to a mid-term review.

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

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

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

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

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

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

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

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

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

After the conclusion of the policy dialogues, the Commission shall **inform the European Parliament of the overall outcome.** The policy dialogue may be repeated after the mid-term review, in order to reassess the needs of that Member State and the priorities of the Union.

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

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

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

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

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

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

- management and control systems;
- responsibilities under shared management (Member States and the Commission shall be responsible for the management and control of national programmes in accordance with their respective responsibilities laid down in the Regulation and the Specific Regulations);
- designation of responsible authorities for management and control of expenditure;
- audit rules;
- budgetary commitments and rules for payments;
- pre-financing (an annual pre-financing amount of 3 % of the total contribution from the Union budget to the national programme concerned shall be paid before 1 February 2015);
- payment deadlines;
- suspension of payments and financial corrections.

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

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

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

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

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

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

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

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

Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 12/06/2018

In accordance with Regulation (EU) No 514/2014, the Commission presents the results of the interim evaluation of the Asylum, Migration and Integration Fund and the Internal Security Fund.

The report covers:

- the abovementioned Regulation 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police;
- the Specific Regulation No 513/2014 establishing as part of the Internal Security Fund the instrument for police cooperation, preventing and combating crime and crisis management (ISF-P);
- the Specific Regulation 515/2014 establishing as part of the Internal Security Fund the instrument for external borders and visa (ISF-BV); and
- the Specific Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund (AMIF).

The evaluation covers the period between 1 January 2014 and 30 June 2017 and reports on all national programmes, Union actions and emergency assistance financed under the funds.

Main findings:

Simplification: the single set of procedures laid down in the Regulation for all areas covered by the funds and for both AMIF and ISF was found to have led to simplification. The simplified **cost option** was used in only a few Member States who acknowledged its efficiency in reducing the administrative burden. Despite the improved simplification, national rules and procedures applicable under the national programmes appeared to have led to a **moderate amount of administrative burden**. As regards direct management, procedures were shown to be appropriate, clear, and transparent, without creating additional burden for Member States or beneficiaries.

Monitoring, reporting and verification measures are still perceived as **burdensome** and Member States have asked for **further guidance** on complying with EU requirements. The reporting requirements and the irrelevance of some common indicators were also reported as adding to the administrative burden.

Efficiency: overall the evaluation indicated that the results of the funds were achieved at reasonable costs in terms of both human and financial resources. However, most Member States face **problems** with the EU guidance, common indicators and the reporting/monitoring calendar. Despite simplification improvements, the perceived administrative burden can be considered as a factor that undermines efficiency. Overall, the emergency assistance actions and the Union actions as well as indirect management actions have achieved their objectives at a reasonable cost in terms of financial and human resources.

Relevance: the funds, their priorities and objectives as set out in the Specific Regulations, as well as within the annual work were shown to be still relevant. Due to the migratory and security crises, it is worth noting that **significant budget reinforcements** were needed, with the available budget of EUR 6.9 billion for the 2014-2020 programming period being raised to EUR 10.8 billion. The emergency assistance (at a higher scale than originally intended) has helped ensure the funds' relevance. However, **more flexibility** is needed as far as the implementation of the national programmes is concerned, the main issue being the fragmentation of actions under multiple national objectives that prevented the pooling of resources around key priorities and made it difficult to implement cross-objective projects.

Coherence: most Member States have adopted different coordinating mechanisms at the implementation stage to ensure the funds are coherent and are complementary to similar interventions carried out under other EU funds. As regards direct management, both emergency assistance and the Union actions show coherence with and complementarity to actions supported by other EU funds or actions supported by EU Agencies.

EU Added value: the report states that the funds have generated significant EU added value by (i) supporting actions with a transnational dimension, (ii) burden-sharing between Member States, (iii) boosting national capacities, (iv) optimising procedures related to migration management, (v) ensuring synergies, (vi) increased cooperation among actors dealing with visa processing, (vii) sharing of information and best practices, (viii) cross-border projects, (ix) trust among law enforcement authorities, and (x) staff training.

The Commission recommends that the **structure of the funds' mechanisms** (i.e. national programmes aiming to build long-term capacities, emergency assistance aiming to alleviate immediate pressure, and Union actions designed to support each other) should be maintained and used as a model for the future programming period. It also recommends;

- the national programmes should be more focused to enable Member States to prioritise some objectives that could lead to better results;
- the fragmentation of national programmes under several objectives with minimum percentages of funding should be reconsidered in order to increase flexibility;
- an emergency instrument should be maintained and its ability further strengthened;
- the common monitoring and evaluation framework should include better defined indicators with baseline and target values, and simplified processes, guidance and calendars.
- a system to distribute funds should be adaptable in order to respond appropriately to changing needs.

Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 13/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 459 to 96 votes with 14 abstentions, a legislative resolution for a regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They modify the proposal as follows:

Integrated approach: it is necessary to adopt an integrated approach to questions arising from the pressure of migration and asylum applications and regarding the management of EU external borders, ensuring full respect for international and human rights law, **showing solidarity amongst all Member States** and demonstrating an awareness of the need to respect national responsibilities.

General principles: the Regulation lays down the general provisions **on the Asylum and Migration Fund** for the period 2014-2020 and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

It is stipulated that the Specific Regulations that provide support bring an **added value** for the Union and take account of the specific context in each Member State.

The Commission and the Members States, together with the European External Action Service where appropriate, should ensure actions in and in relation to third countries are taken in **synergy** and coherence with other actions outside the Union supported through Union instruments. The actions should, in particular, ensure:

- coherence with the Union's external policy, respect the principle of policy coherence for development, and are consistent with the strategic programming documents for the region or country in question;
- focus on non-development-oriented measures;
- serve the interests of the Union’s internal policies and are consistent with activities undertaken inside the Union.

The objectives of the Specific Regulations shall be pursued within the framework of the multiannual programming for the period 2014 to 2020, subject to a mid-term review.

Policy dialogue: in order to facilitate the preparation of the national programmes each Member State and the Commission shall hold a dialogue at the level of senior officials.

The dialogue shall focus on the **overall results to be achieved** by means of the national programmes in order to address the needs and priorities of the Member States in the areas of intervention covered by the Specific Regulation taking account of the baseline situation in the Member State concerned and the objectives of the Specific Regulations.

The outcome of the dialogue will serve as a **guide** for the preparation and approval of the national programmes and will include an indication of the date expected for the Member State's submission of the national programmes to the Commission that will allow the timely adoption of the programme.

At the end of the policy dialogue, each Member State should submit to the Commission a national programme explaining how they intend to achieve the objectives of the specific regulation for 2014-2020. The Commission should examine whether the national programme is consistent with these objectives and with the outcome of the policy dialogue. In addition, the Commission should consider if the distribution of Union funds between the different objectives correspond to the minimum percentages defined in the corresponding specific regulations for each objective.

After the conclusion of the policy dialogues, the **Commission should inform the Parliament about the overall outcome**. The policy dialogue may be repeated after the mid- term review, in order to reassess the needs of that Member State and the priorities of the Union.

National programmes and minimum percentages: it should be **possible for Member States to depart from those minimum percentages**, in which case they should state the reasons for the deviation in their national programme. In the event that the reasons given by the Member State concerned were not deemed adequate, the Commission might not approve the national programme. The Commission should regularly inform the European Parliament of the outcome of the policy dialogues, of the full programming process including the preparation of national programmes, covering also compliance with the minimum percentage set per objective in the relevant Specific Regulations as defined in this Regulation, and of the implementation of the national programmes.

Emergency measures: the Regulation should allow support for actions the expenditure of which was incurred **before the application for such assistance was made**, but not before 1 January 2014. The support may constitute **100% of the eligible expenditure** in duly justified cases where this is essential for the action to be carried out particularly where the beneficiary is an international or non-governmental organisation. Actions supported with emergency assistance should arise directly from the emergency situation and should not replace long-term investments by Member States.

Pre-financing: following the Commission decision approving the national programme, an initial pre-financing amount for the whole programming period shall be paid by the Commission to the designated Responsible Authority. This shall represent 4% of the total contribution from the Union budget to the national programme concerned. It may be split into two instalments depending on budget availability within 4 months.

An annual pre-financing amount of 3% of the total contribution from the Union budget to the national programme concerned shall be paid before 1 February in 2015. In the years 2016 to 2022 it shall be 5% of the total contribution from the Union budget to the national programme concerned.

Responsibilities under shared management: in accordance with the principle of shared management, Member States and the Commission shall be responsible for the management and control of national programmes in accordance with their respective responsibilities laid down in this Regulation and the Specific Regulations.

Measures were added on the protection of the **financial interests** of the Union via the prevention, detection and investigation of irregularities. Member States should ensure that there will be **no conflict of interest** among the partners at the different stages of the programming cycle.

Statement by the Commission on the adoption of national programmes: in a unilateral statement the Commission indicated that it will use its best efforts to inform the European Parliament in advance of the adoption of the national programmes.

Asylum, Migration and Integration Fund and Instrument for financial support for police cooperation, preventing and combating crime, and crisis management: general provisions

2011/0367(COD) - 13/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Lorenzo FONTANA (EFD, IT) on the proposal for a regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

The parliamentary committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure modify the Commission proposal as follows.

Integrated approach: Members stressed that it is necessary to adopt an integrated approach to questions arising from the pressure of migration and asylum applications and regarding the management of EU external borders, ensuring full respect for international and human rights law, showing solidarity amongst all Member States and demonstrating an awareness of the need to respect national responsibilities.

General principles: the Regulation lays down the general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management. Members stipulated that the Specific Regulations that provide support bring an **added value** for the Union and take account of the specific context in each Member State.

The Commission and the Members States, together with the European External Action Service where appropriate, should ensure actions in and in relation to third countries are taken in **synergy** and coherence with other actions outside the Union supported through Union instruments. They should, in particular, ensure that those actions:

- are coherent with the Union's external policy, respect the principle of policy coherence for development, and are consistent with the strategic programming documents for the region or country in question;
- focus on non-development-oriented measures;
- serve the interests of the Union’s internal policies and are consistent with activities undertaken inside the Union.

The objectives of the Specific Regulations shall be pursued within the framework of the multiannual programming for the period 2014 to 2020, subject to a mid-term review.

Policy dialogue: in order to facilitate the preparation of the national programmes each Member State and the Commission shall hold a dialogue at the level of senior officials.

The dialogue shall focus on the **overall results to be achieved** by means of the national programmes in order to address the needs and priorities of the Member States in the areas of intervention covered by the Specific Regulation taking account of the baseline situation in the Member State concerned and the objectives of the Specific Regulations.

The outcome of the dialogue will serve as a guide for the preparation and approval of the national programmes and will include an indication of the date expected for the Member State's submission of the national programmes to the Commission that will allow the timely adoption of the programme.

After the conclusion of the policy dialogues, the **Commission should inform the Parliament about the overall outcome**. The policy dialogue may be repeated after the mid- term review, in order to reassess the needs of that Member State and the priorities of the Union.

Emergency measures: Members considered that Regulation should allow support for actions the expenditure of which was incurred **before the application** for such assistance was made, but **not before 1 January 2014**.

The support may constitute **100% of the eligible expenditure** in duly justified cases where this is essential for the action to be carried out particularly where the beneficiary is an international or non governmental organisation. Actions supported with emergency assistance should arise directly from the emergency situation and should not replace long-term investments by Member States.

Pre-financing: following the Commission decision approving the national programme, an initial pre-financing amount for the whole programming period shall be paid by the Commission to the designated Responsible Authority. This shall represent 4% of the total contribution from the Union budget to the national programme concerned. It may be split into two instalments depending on budget availability within 4 months.

An annual pre-financing amount of 3% of the total contribution from the Union budget to the national programme concerned shall be paid before 1 February in 2015. In the years 2016 to 2022 it shall be 5% of the total contribution from the Union budget to the national programme concerned.

Members also stated that the **financial interests** of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities. Member States should ensure that there will be **no conflict of interest** among the partners at the different stages of the programming cycle.