Basic information

2012/0253(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
External Borders Fund: increasing the Union co-financing rate Amending Decision 574/2007/EC 2005/0047(COD) See also 2012/0252(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	TORVALDS Nils (ALDE)	05/11/2012

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	The committee decided not to give an opinion.	
BUDG Budgets	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3225	2013-02-25

European Commission

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary

20/09/2012	Legislative proposal published	COM(2012)0527	Summary
22/10/2012	Committee referral announced in Parliament, 1st reading		
17/12/2012	Vote in committee, 1st reading		
08/01/2013	Committee report tabled for plenary, 1st reading	A7-0433/2012	Summary
06/02/2013	Decision by Parliament, 1st reading	T7-0043/2013	Summary
06/02/2013	Results of vote in Parliament		
25/02/2013	Act adopted by Council after Parliament's 1st reading		
13/03/2013	Final act signed		
13/03/2013	End of procedure in Parliament		
22/03/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0253(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Amending Decision 574/2007/EC 2005/0047(COD) See also 2012/0252(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/10707

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE500.403	09/11/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0433/2012	08/01/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0043/2013	06/02/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00072/2012/LEX	13/03/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0527	20/09/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0527	08/11/2012	
Contribution	IT_SENATE	COM(2012)0527	11/01/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2013/0259
OJ L 082 22.03.2013, p. 0006 Summary

External Borders Fund: increasing the Union co-financing rate

2012/0253(COD) - 20/09/2012 - Legislative proposal

PURPOSE: to increase the co-financing rate of the External Borders Fund for certain Member States experiencing serious difficulties with respect to their financial stability and amending Decision No 574/2007/EC.

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

BACKGROUND: Decision No 574/2007/EC establishes the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and provides for different Union co-financing rates for actions supported by the Fund.

The unprecedented global financial crisis and economic downturn have seriously damaged economic growth and financial stability, provoking a marked deterioration in financial, economic and social conditions in several Member States. Some Member States are experiencing serious difficulties or are threatened with such difficulties, particularly with respect to their financial and economic stability, leading to deterioration in their deficit and debt positions and threatening economic growth heightened by the international economic and financial environment. Ensuring the smooth implementation of programmes adopted under the four Funds established as part of the General Programme on 'Solidarity and Management of Migration Flows' ('the Funds'), is of particular importance as a means of injecting funds into the economy.

To make European Union funding easier to manage in the area of migration, asylum and external borders and to improve the availability of funding for the Member States to implement their annual programmes under the Funds, it is necessary, on a temporary basis and without prejudice to the 2014-2020 programming period, to arrange for an increase in the Union co-financing rate under the Funds, by an amount corresponding to twenty percentage points above the co-financing rates currently applicable, for Member States experiencing serious difficulties with respect to their financial stability.

It should be noted that this proposal is closely linked to the proposal regarding similar amendments of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals (please see COD/2012/0252).

LEGAL BASIS: Article 77(2) of the Treaty on the Functioning of the European Union (TFEU).

IMPACT ASSESSMENT: there was no consultation of external stakeholders. The proposal will allow the Commission to apply higher co-financing rates for the countries benefiting from one of the support mechanisms.

CONTENT: in order to ensure that Member States benefiting from a financial support mechanism continue to implement the programmes adopted under the Funds on the ground and disburse funds to projects, the proposal contains provisions that would **allow the Commission to increase the Union co-financing rate for these countries,** for the period during which they benefit from financial assistance provided by one of the support mechanisms under any funding instruments. This will provide additional financial resources to the Member States and will make it easier to continue implementing the programmes on the ground. The Funds' annual national allocation pursuant to the basic acts will remain unchanged while national co-financing will be reduced accordingly. Ongoing annual programmes will need to be revised to reflect the changes resulting from the application of the increased Union co-financing rate.

The proposal makes provision for the amendment of Article 16 of Decision No 574/2007/EC to allow the Union co-financing rate applicable to the External Borders Fund programmes of the Member States concerned to be increased by 20 percentage points, provided they are benefiting from one of the support mechanisms.

Annual programme: once a decision granting financial assistance to a Member State under one of the support mechanisms has been taken, the Member State may submit to the Commission either a draft annual programme or a draft revised annual programme applying the increased Union co-financing rate.

To be entitled to apply the increased Union co-financing rate, a Member State must benefit from one of the support mechanisms at the time of submitting its draft annual programme or draft revised annual programme. These are:

- medium-term financial assistance in accordance with Council Regulation (EC) No 332/2002;
- financial assistance in accordance with Council Regulation (EU) No 407/2010 or financial assistance from other euro area Member States before the entry into force of that Regulation;
- financial assistance in accordance with the intergovernmental agreement reached establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

However, once an action of a specific annual programme has been co-financed at the increased Union co-financing rate, it remains so until the end of the eligibility period of the related annual programme whether or not the Member State still benefits from one of the support mechanisms.

BUDGETARY IMPLICATIONS: there is no impact on commitment appropriations since no modifications are proposed to the maximum amounts of the Funds' financing provided for in the annual programmes for the programming period 2007-2013.

The proposal states that it shows the Commission's willingness to assist Member States in their efforts to deal with the financial crisis. The amendments will provide the Member States concerned with the necessary funds to support projects and economic recovery.

External Borders Fund: increasing the Union co-financing rate

2012/0253(COD) - 08/01/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Nils TORVALDS (ALDE, FI) on the proposal for a decision of the European Parliament and of the Council amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability.

To recall, the Commission proposal aims to offer the possibility to increase the the co-financing rates for Member States benefiting from a financial support mechanism. The proposal aims to enable increasing the Union co-financing rate by twenty percentage points and thereby decrease the co-financing needs for the part of the Member States in question.

The committee supports the approach proposed by the Commission (and which already exists for other European Funds). The report states that the functioning management of migration flows is of great importance for the European Union as a whole. The inability of one Member State to ensure efficient management of migration flows does not only affect the country in question, it has also an impact on many other Member States as well. It is therefore in the interest of all Member States that **the commitments made with regards to migration do not suffer from the economic difficulties in some Member States**.

The committee calls on the European Parliament to adopt its position at first reading, taking over the Commission proposal.

External Borders Fund: increasing the Union co-financing rate

2012/0253(COD) - 06/02/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 595 votes to 23, with 37 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability.

Parliament adopted its position at first reading, taking over the Commission proposal.

External Borders Fund: increasing the Union co-financing rate

2012/0253(COD) - 13/03/2013 - Final act

PURPOSE: to increase the co-financing rate of the External Borders Fund for certain Member States experiencing serious difficulties with respect to their financial stability.

LEGSLATIVE ACT: Decision No 259/2013/EU of the European Parliament and of the Council amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability

BACKGROUND: Decision No 574/2007/EC establishes the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and provides for different Union co-financing rates for actions supported by the Fund.

The unprecedented global financial crisis and economic downturn have seriously damaged economic growth and financial stability, provoking a marked deterioration in financial, economic and social conditions in several Member States. Some are experiencing serious difficulties or are threatened with such difficulties, particularly with respect to their financial and economic stability, leading to deterioration in their deficit and debt positions and threatening economic growth heightened by the international economic and financial environment.

In this context, ensuring the smooth implementation of programmes adopted under the four Funds established as part of the General Programme on 'Solidarity and Management of Migration Flows' is of particular importance as a means of injecting funds into the economy.

These Funds are also key tools for helping Member States to address important challenges in the area of migration, asylum and external borders such as the development of a comprehensive Union immigration policy to enhance the competitiveness and social cohesion of the Union and the creation of a Common European Asylum System.

Accordingly, in order to improve the availability of funding for the Member States in the area of migration, asylum and external borders and to implement their annual programmes under the Funds, it is necessary to **amend the Union co-financing rate under the Funds** for Member States experiencing serious difficulties with respect to their financial stability.

It should be noted that this Decision is closely linked to another text regarding a similar amendment of the three Funds established under the General programme 'Solidarity and Management of Migration Flows'.

CONTENT: this Decision contains provisions that **allow an increase in the Union co-financing rate under the Funds, by an amount corresponding to twenty percentage points above the co-financing rates previously applicable,** for Member States experiencing serious difficulties with respect to their financial stability.

The aim is to ensure that Member States benefiting from a financial support mechanism (or any other member state which may be concerned by such assistance in the future) continue to implement on the ground the programmes adopted under the funds, which are part of the General Programme on Solidarity and Management of Migration Flows.

Procedure: any Member State seeking to benefit from the increased co-financing rate should provide the Commission with a written statement together with its draft annual programme or draft revised annual programme. In its statement, the Member State concerned should provide a reference to the relevant Council Decision or to any other relevant decision that makes it eligible to benefit from the increased Union co-financing rate.

Financial assistance by the EU may be increased by 20 percentage points provided that the Member State meets one of the requisite conditions:

- medium-term financial assistance is made available to it in accordance with Council Regulation (EC) No 332/2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments;
- financial assistance is made available to it in accordance with Council Regulation (EU) No 407/2010 establishing a European financial stabilisation mechanism or financial assistance is made available to it by other euro area Member States;
- financial assistance is made available to it in accordance with the intergovernmental agreement reached establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

Territorial provisions: the Decision contains a series of territorial provisions establishing the rules for association with the Decision for Iceland, Norway, Switzerland and Liechtenstein. Denmark must decide within a period of six month whether it will implement it in its national law. The United Kingdom and Ireland will not take part in the Decision.

ENTRY INTO FORCE: 23/03/2013.