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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund

Delegations will find attached document COM(2021) 325 final.

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EUROPEAN
COMMISSION

Brussels, 21.6.2021
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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council establishing the Asylum, Migration and Integration Fund**

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2018) 471 final – 2018/0248 COD):	13 June 2018
Date the European Economic and Social Committee adopted its Opinion on the proposal:	17 October 2018
Date of the position of the European Parliament, first reading:	13 March 2019
Date of adoption of the partial general approach of the Council:	7 June 2019
Date of adoption of the general approach of the Council:	12 October 2020
Date of sixth Trilogue where provisional political agreement on key political points was reached:	9 December 2020
Date of the adoption of the position of the Council:	14 June 2021

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

In the context of the 2021-2027 Multiannual Financial Framework, the Commission submitted its proposal for a Migration and Asylum Fund (“AMF”) to provide renewed and reinforced support to the efficient management of migration by the Member States. The proposal aimed at significantly reinforcing the overall Union budget for the management of migration and external borders.

The Fund’s objective is to contribute to a robust and fair EU migration policy. The Fund primarily addresses the internal needs of EU Member States but also acknowledges, and can operate subject to appropriate safeguards, needs beyond the EU’s external border. Through its range of implementing modalities, it can support actions outside the EU through international organisations, eligible entities established in third countries (e.g. NGOs) or with third countries that meet the eligibility criteria to become associated to the Fund.

The Fund will ensure that the EU continues to fulfil its obligations to those in need of international protection, by supporting the resettlement, humanitarian admission and integration of eligible asylum seekers and migrants. The Fund can also facilitate the dignified return of those persons who have no right to stay in the EU and support solutions that replace irregular migration, with safe and well-managed pathways for legal migration.

As identified during the previous programming period, greater flexibility in the management of the preceding fund was needed to better support its objectives. While providing such flexibility, the proposal for the new Fund also ensured that funding will be steered towards Union priorities and actions with a significant benefit to the Union. New mechanisms for the allocation of funding for shared, direct and indirect management were therefore proposed to address changing operational challenges and priorities.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted in the first reading fully reflects the political agreement reached between the European Parliament, the Council, and the Commission, as concluded on 9 December 2020.

The main points of this agreement were:

Name of the Fund: The Fund has been renamed the “Asylum, Migration and *Integration* Fund” (AMIF), reverting to the name of the preceding fund during the 2014-2020 financing period.

Objectives: A comprehensive policy objective and specific objectives, including the addition of a new specific objective on “solidarity and fair sharing of responsibility between Member States”.

Budget: The financial envelope was aligned with the amounts agreed for the 2021-2027 Multiannual Financial Framework, i.e. EUR 9.9 billion in current prices. The thematic facility’s share of the total financial envelope was reduced from 40% to 36.5%. Moreover, the Commission’s proposal on the conditionality for receiving additional funding at the mid-term review phase was retained. As proposed, a Member State must submit payment applications covering at least 10% of the initial allocation for its programme to be eligible to receive an additional allocation for its programme in the mid-term review.

Minimum funding percentages: Minimum percentages for the allocation of funds towards the specific objectives were introduced, as follows:

- (a) At least 15% of the resources to Member State programmes allocated to the specific objective on Common European Asylum System (“CEAS”);
- (b) At least 15% of the resources to Member State programmes allocated to the specific objective on legal migration, integration and social inclusion;
- (c) At least 20% of the resources of the thematic facility allocated to the specific objective on solidarity and responsibility sharing;
- (d) At least 5% of the initial allocation of the thematic facility to target local and regional authorities implementing integration measures.

Member States may deviate from the minimum funding percentages in their programmes in duly justified cases.

Scope of support: The eligible actions listed in Annex III (Scope of Support) to the AMIF will be managed as follows:

- (a) Annex III remains a non-exhaustive list of actions (“open list”) for the purposes of the programmes drawn up by Member States;
- (b) Annex III, with the exception of emergency assistance, becomes an exhaustive list of actions (“closed list”) for the purposes of the thematic facility’s work programmes. The Commission can add actions to Annex III using a delegated act.

Third countries and the external dimension of the Fund: Agreement was reached on the basis of the following:

- (a) Further safeguards included for actions in and in relation to third countries (e.g. Member State projects in or in relation to third countries need prior approval of the Commission and eligible entities established in third countries may only receive funding if they are part of a consortium with at least one entity established in a Member State);
- (b) Only third countries that have concluded an agreement with the Union on the criteria and mechanisms for establishing the State responsible for examining asylum applications can be associated to the Fund under a specific agreement regulating said participation;
- (c) While actions in or in relation to third countries remain possible, new provisions highlight the internal nature of the Fund and that programmes must primarily serve internal Union policy.

Adoption procedures for implementing acts: work programmes of the thematic facility to be adopted by implementing acts under the examination procedure (with the “no opinion clause”). The faster procedure of immediately applicable implementing acts was included for emergency assistance. The adoption of the template for the annual performance report will be adopted through an implementing act subject to the advisory procedure.

Operating support: The percentage of the allocation, which may go to operating support, was increased to 15 % (from 10 % in the Commission proposal) and extended to cover actions under all specific objectives.

Resettlement, humanitarian admission and relocation: The fixed amounts to be granted to Member States were agreed, as follows:

- (a) EUR 10 000 was maintained for each person admitted through resettlement, including their family members;
- (b) EUR 6 000 was introduced for each person admitted through humanitarian admission. This amount to be increased to EUR 8,000 for vulnerable persons. Their family members may also be eligible;

- (c) EUR 10 000 maintained for each applicant for/beneficiary of international protection transferred from one Member State to another, including their family members; (a more simple approach of single payments for relocations was also agreed);
- (d) The Commission may adjust the above amounts through delegated acts to take account of inflation rates and developments in the relevant fields.

International organisations: New provisions on the audit and control of international organisation were integrated in the text.

Performance indicators: Result and output indicators in Annexes V and VIII were streamlined.

Retroactivity: Retroactivity provisions were included to take into account that the act would not be adopted before the end of 2020.

Criteria for allocation of funding to the programmes: agreement on Annex I to the AMIF was reached on the:

- (a) Initial allocation addressing insular societies, the overall weighted distribution between asylum, legal migration and integration and irregular migration and return, and the sub-criteria for asylum and legal migration and integration;
- (b) Weighted distribution of the sub-criteria for irregular migration on the basis of 70% in proportion of third country nationals who are subject to a return decision and 30% in proportion to those who have actually left the territory;
- (c) Introduction of a reporting baseline.

Overall, the agreement reached preserves the objectives of the original Commission proposal, although the agreed position offers slightly less flexibility and less simplification than what was initially proposed. The agreement maintains the same level of ambition as the initial proposal and provides a workable legal base for the implementation of the Fund's objectives.

The Commission signalled in the last political trilogue on 9 December 2020 that it could accept elements agreed between the European Parliament and the Council for the purposes of reaching an overall final agreement.

4. CONCLUSION

The Commission accepts the position taken by the Council.
