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Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
- Partial General Approach

I. INTRODUCTION

1. On 17 November 2011, the Commission submitted to the Council the proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund¹.
2. The Fund covers, in a comprehensive way, different aspects of the common Union asylum and immigration policy, including actions in or in relation to third countries addressing primarily EU interests and objectives in those policy areas, and takes into account new developments. The proposal is subject to the ordinary legislative procedure.

¹ 17289/11 JAI 853 ASIM 124 MIGR 188 ASILE 118 CADREFIN 151 CODEC 2141

3. The Ad Hoc Working Party on JHA Financial Instruments (Home Affairs formation) examined the proposal at its meetings since January 2012. The JHA Counsellors addressed further outstanding issues at their meetings on 14 and 21 November and 4 and 13 December 2012. There is broad agreement on the text in Annex subject to the specifications below.
4. On 21 February 2012, the Council decided to consult the Economic and Social Committee which adopted its opinion on the proposal on 11 July 2012.
5. On 21 February 2012, the Council decided to consult the Committee of the Regions which adopted its opinion on the proposal on 18 July 2012.
6. The orientation vote in the LIBE Committee took place on 10 December 2012.
7. The provisions with budgetary implications have been excluded from the scope of the partial general approach as the decision will be taken at horizontal level. These provisions, which appear in square brackets, concern the recital 26a, the articles 14, 15, 17, 18, 24 and Annex I and will be considered in line with the final amounts at a later stage.

II. MAIN OUTSTANDING ISSUES

With a view to preparing a partial general approach in order to further establish a negotiating position and to initiate discussions with the European Parliament, the Presidency invites COREPER to examine the main outstanding issues in the text as set out in Annex.

a) Integration Measures - Article 9

In the original proposal by the Commission there was a provision to include citizens of a Member State with a migration background, meaning having at least one parent (i.e. mother or father) who is a third country national. During the course of discussions, there was a continuous debate as to whether this particular category should be included in the funding objectives for integration.

One group of Member States supported retaining the specific provision and argue that when it comes to providing integration assistance, this should be based on individual integration needs rather than origin or nationality. Therefore some Member States argued that the AMF which now includes the European Integration Fund (EIF) should not only concentrate on third-country nationals but also on EU citizens with a migration background. Member States also argued that it was evident from their national experience in integration policy making and implementation of actions under EIF, that some of these actions cannot, in practice, exclude the participation of citizens based on their nationality or they could not deny access or participation to EU member-states citizens with a migration background. Furthermore, they argue that many EU citizens, although bearing formal citizenship, are for different reasons perceived as foreigners.

On the other hand, some Member States have been advocating for the deletion of the particular paragraph, since they consider that first of all, even if the EU citizens who live in the Member States have similar needs with immigrants, these are nonetheless European citizens and should not be included under this Regulation. Also, they considered that the fact that there is a condition that the EU citizen must have one parent that is third country national, would immediately create discrimination between EU citizens in general and it would cause practical difficulties during the implementation of actions where EU citizens would need to prove their migratory background. The social needs of EU citizens, irrespective of their background, should be covered by other financial instruments such as the European Social Fund, the Citizenship Programme as well as National Programmes. The utilisation of the AMF in order to integrate EU citizens would only emphasise the perception that the particular subcategory of EU citizens are foreigners. Moreover, the inclusion of this particular provision could cause misuse of the amounts allocated to the Member States for the integration of third country nationals in favour of EU citizens.

During the discussions, the Council Legal Service also supported the deletion of paragraph 9 (3), as this is not covered by the legal basis of the particular Regulation, which only refers to third country nationals.

There have been several attempts to strike a balance between the original Commission's proposal as well as the diverging positions of the Member States; however a suitable solution to accommodate all has not been reached. Considering that there is no legal basis for this provision in the AMF and that there are other funds and initiatives in place that can be utilised for integration of EU Citizens, the Presidency has deleted the paragraph in Article 9 (3) that relates to EU Citizens and kindly asks COREPER to endorse this position based on the reasoning above.

b) Resources for Union Resettlement Programme – Article 17 and ANNEX III

During negotiations a number of Member States opposed the option to revise the Union Resettlement priorities by a delegated act as they argued that this is an essential part of the Regulation and Member States should be entitled to participate in the procedure of the revision of the list of priorities. An amendment of the basic act can only be made either by the ordinary legislative procedure or a delegated act. As a compromise suggestion, a number of Member States supported a joint compromise proposal to delete the list of common Union Resettlement Priorities (Annex III) from the Regulation and to allow for the list to be decided via comitology procedure (implementing act) as in the case of the Union work programmes and the emergency assistance (Article 7 of the Horizontal Regulation). In addition to this, it was suggested to revise these priorities only where there was a clear justification for doing so rather than every two years as proposed by the Commission. The Commission, on the other hand, opposed amendments as they felt that the biennial cycle for amendment is important for the EU ambition to increase resettlement in the EU, which is also one of the main components of the Union Resettlement Programme.

The Presidency, after a number of discussions and with the positive feedback from the Council Legal Service on the legality of the proposed changes by the Member States, proposes to delete Annex III from the basic act and allow for its adoption to be made under an implementing act. The revision of the Union Resettlement priorities can be made via a new implementing act, where there will be a clear justification for doing so or in light of any recommendations from the UNHCR. The Presidency suggests that COREPER agrees to this proposal.

III. OTHER ISSUES

c) Basis for allocation of basic amounts to Member States - Recital 26a

A new recital was inserted into the Regulation in order to outline the methodology to be used for the allocation of the basic amounts for the Member States. This basic amount would be calculated on the basis of a distribution key based on the European Refugee Fund (ERF), European Integration Fund (EIF) and European Return Fund (RF) allocations for each Member State in the years 2011-2013 and dividing the figure obtained by the total of the appropriations available for shared management for these three years. Throughout negotiations Member States have raised concerns on the proposed methodology and proposed various alternatives.

The Presidency, after having examined the different scenarios, proposes as a compromise for the basic amounts to be calculated on the basis of 2011-2013 allocations. This recital is linked to Annex I.

d) European Migration Network – Article 23

In the Commission's original proposal for the AMF, Article 23 provided for an amendment to Council Decision (2008/381/EC) which establishes the European Migration Network (EMN) and introduced new administrative provisions for the EMN including financing provisions. During negotiations a number of delegations were opposed to amending Council Decision (2008/381/EC) in the AMF because in their view this was not an appropriate Regulation to outline the administrative provisions of the EMN. A majority of Member States supported the deletion of this Article whereas the Commission felt that its inclusion was relevant under the scope of the Regulation. As a compromise proposal, the Presidency excluded the organisational and administrative aspects of the EMN in this Regulation and retained the financial aspects as appropriate, by deleting paragraphs 2 to 6 of Article 23 and article 1 (2)(e) and article 30(d) accordingly. In addition, the Presidency inserted a new paragraph 23 (9) regarding articles that needed to be modified because they refer to the financial aspects of the EMN. Also, slight amendments were made to accommodate the concerns of some Member States regarding the role of the Steering Board in view of the changes.

e) Technical Assistance – Article 24

During negotiations a number of delegations suggested that the percentage of the total amount set aside for technical assistance for the period 2014 to 2020 should be increased. In the original proposal by the Commission there was no provision for a fixed amount, but this was included during discussions, after it was requested by some Member States. The same approach has been chosen for the other financial instruments of Home Affairs. Some Member States, however, continue to request an increase, either in the percentage or the fixed amount because this particular instrument is a combination of three out of four SOLID Funds (European Integration Fund for third country nationals, European Refugee Fund and Return Fund). Therefore, they argue that there is an increased need in more funding through technical assistance. The Commission, on the other hand, is of the view that further increases in the amount of technical assistance would result in a decrease of the amounts for implementing actions.

The Presidency, after taking into account all relevant discussions and suggestions, suggests to increase the percentage to 5.5% and allow the fixed amount to remain in brackets awaiting the decisions of the overall MFF amounts.

IV. CONCLUSION

In the light of the above, COREPER is invited to adopt a partial general approach on the text as set out in Annex with a view of allowing the Presidency to start negotiations with the European Parliament.

2011/0366 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
establishing the Asylum, Migration and Integration Fund

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2) and 79(2) and (4) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

² OJ C , , p. .

³ OJ C , , p. .

Whereas:

- (1) The Union's objective to constitute an area of freedom, security and justice, should be achieved, inter alia, through common measures framing a policy on asylum and immigration, based on solidarity between Member States, which is fair towards third-countries and their nationals. The European Council of 2 December 2009 recognised that financial resources within the Union should be made increasingly flexible and coherent, both in terms of scope and of applicability, to support policy developments in the field of asylum and migration.
- (2) In order to contribute to the development of the common Union policy on asylum and immigration and to the strengthening of the area of freedom, security and justice in the light of the application of the principles of solidarity and responsibility sharing between the Member States and cooperation with third countries, this Regulation should establish the Asylum, Migration and Integration Fund (hereinafter referred to as 'the Fund').
- (3) The Fund should express solidarity through financial assistance to Member States. It should enhance the effective management of migration flows to the Union in areas where the Union adds maximum value, in particular by sharing responsibility between Member States and sharing responsibility and strengthening cooperation with third countries.
- (4) To ensure a uniform and high-quality asylum policy and apply higher standards of international protection, the Fund should contribute to the effective functioning of the Common European Asylum System, which encompasses measures relating to policy, legislation, capacity-building, acting in co-operation with other Member States, Union Agencies and third-countries.
- (4a) The Fund should create a flexible framework allowing Member States to receive financial resources under their national programmes to support the policy areas under this Fund according to their specific situation and needs, and in the light of general and specific objectives of the Fund, for which the financial support would be the most effective and appropriate.

- (4b) In order to measure achievements of this Fund, common indicators should be established in relation to each specific objective of this Fund. The common indicators should not affect the facultative or mandatory nature of the implementation of related actions as laid down in this Regulation.
- (5) It is appropriate to support and improve the efforts made by Member States to fully and properly implement the Union asylum *acquis*, in particular to grant appropriate reception conditions to asylum seekers, displaced persons and beneficiaries of international protection, to ensure correct determination of status, in accordance with Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted⁴, to apply fair and effective asylum procedures and to promote good practice in the field of asylum so as to protect the rights of persons requiring international protection and enable Member States asylum systems to work efficiently.
- (6) The Fund should offer adequate support to joint efforts by Member States to identify, share and promote best practices and establish effective cooperation structures in order to enhance the quality of decision-making in the framework of the Common European Asylum System.
- (7) This Fund should complement and reinforce the activities undertaken by the European Asylum Support Office (EASO) established by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010⁵ with a view to coordinating practical cooperation between Member States on asylum, supporting Member States subject to particular pressure on their asylum systems and contributing to the implementation of the Common European Asylum System.
- (8) The Fund should support the efforts by the Union and the Member States relating to the enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union legislation.

⁴ OJ L 337, 20.12.2011, p. 9.

⁵ OJ L 132, 29.5.2010, p. 11.

- (9) The Fund should support the efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement by the United Nations High Commissioner for Refugees (UNHCR), such as the assessment of the resettlement needs and transfer of the persons concerned to their territories, with a view to granting them a secure legal status and to promoting their effective integration.
- (10) The Fund should provide support to burden-sharing operations consisting of the transfer of beneficiaries of international protection from one Member State to another.
- (11) Partnerships and cooperation with third countries to ensure the adequate management of inflows of persons applying for asylum or other forms of international protection are an essential component of Union asylum policy. With the aim to provide access to international protection and durable solutions at the earliest possible stage, including in the framework of Regional Protection Programmes⁶, the Fund should include a Union resettlement component.
- (12) To improve and reinforce the integration process in European societies, the Fund should facilitate legal migration to the Union in line with the economic and social needs of Member States and anticipates the preparation of the integration process already in the country of origin of the third-country nationals coming to the Union.
- (13) In order to be efficient and achieve the greatest added value, the Fund should pursue a more targeted approach, in support of consistent strategies specifically designed to promote the integration of third-country nationals at national, local and/or regional level, where appropriate. Those strategies should be implemented mainly by local or regional authorities and non-state actors, while not excluding national authorities, in particular where the specific administrative organisation of the Member State would so require or where the national institutional set up provides that integration actions are a shared competence of the State and decentralised level of administration. The implementing organisations should choose the measures most appropriate to their particular situation from a range of measures available.

⁶ COM(2005) 388 final.

- (14) The scope of the integration measures should also include beneficiaries of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of these target groups. Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.
- (15) To ensure the consistency of the European Union's response to integration of third-country nationals, actions financed under this Fund should be specific and complementary to actions financed under the European Social Fund. In this context, the authorities of the Member States responsible for the implementation of this Fund should be required to establish cooperation and coordination mechanisms with the authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund.
- (16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States.
- (17) The Union should continue and expand the use of Mobility Partnerships as the main strategic, comprehensive and long-term cooperation framework for migration management with third countries. The Fund should support activities in the framework of Mobility Partnerships taking place either in the Union or in third countries and aiming at pursuing Union needs and priorities, in particular actions ensuring the continuity of funding encompassing both Union and third countries.

- (18) It is appropriate to continue supporting and encouraging efforts by the Member States to improve the management of return in all its dimensions, with a view to the continuous, fair and effective implementation of common standards on return, notably as set out in the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals⁷. The Fund should promote the development of return strategies at national level within the concept of integrated return management and also measures supporting their effective implementation in third countries.
- (19) As regards the voluntary return of persons, including persons who wish to be returned even though they are under no obligation to leave the territory, incentives for such returnees, such as preferential treatment in the form of enhanced return assistance should be foreseen. This kind of voluntary return is in the interests of both returnees, and the authorities in terms of the cost-effectiveness. Member States should be encouraged to give preference to voluntary return.
- (19a) Both "voluntary departure" in compliance with an obligation to return, as well as "voluntary return" based on the free will of the returnee, should be promoted. Voluntary return covers for instance cases of legally staying third country nationals who, to maintain family unity, chose to accompany family members subject to a return decision, as well as those enjoying a right to stay as asylum seekers or beneficiaries of international protection.
- (20) However, from a policy point of view, voluntary and enforced return are interlinked and have a mutually reinforcing effect and Member States should be encouraged in their return management to reinforce the complementarities of the two forms. There is a need to carry out removals in order to safeguard the integrity of the immigration and asylum policy of the Union and the immigration and asylum systems of the Member States. Thus the possibility of removals is a prerequisite for ensuring that this policy is not undermined and for enforcing the rule of law, which itself is essential to the creation of an area of freedom, security and justice. The Fund should therefore support actions of Member States to facilitate removals in accordance with the standards set in EU law, where applicable, and with full respect for the fundamental rights and dignity of returnees.

⁷ OJ L 348, 24.12.2008, p. 98.

- (21) It is essential for the Fund to support specific measures for returnees in the country of return in order to ensure effective return to their town or region of origin under good conditions and to enhance their durable reintegration into their community.
- (22) Union readmission agreements are an integral component of the Union return policy and a central tool for the efficient management of migration flows as they facilitate the swift return of irregular migrants. Those agreements are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interest of effective return strategies at national and Union level.
- (23) The Fund should complement and reinforce the activities undertaken by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency) established by Council Regulation (EC) No 2007/2004 of 26 October 2004⁸, one of the tasks of which is to provide the necessary support for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and the removal of third country nationals illegally present in the territories of the Member States.
- (24) The Fund should be implemented in full respect with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union. In particular, eligible actions should take account of the specific situation of vulnerable persons, in particular, with special attention and dedicated responses to unaccompanied minors and other minors at risk.
- (25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be ensured with the Union humanitarian policy, in particular as regards the implementation of emergency assistance.

⁸ OJ L 349, 25.11.2004, p. 1.

(26) A large part of the available resources under the Fund should be allocated proportionally to the responsibility borne by each Member State through its efforts in managing migration flows on the basis of objective criteria. For that purpose, the latest available statistical data relating to the migration flows, such as the number of first asylum applications, the number of positive decisions granting refugee or subsidiary protection, the number of resettled refugees, the number of legally residing third-country nationals, the number of third-country nationals who have obtained an authorisation issued by a Member State to reside, the number of return decisions issued by the national authorities and the number of effected returns should be used.

[(26a)The allocation of basic amounts to Member States should be established in this Regulation.

The basic amount should be calculated based on the average of 2011, 2012 and 2013 allocations for each Member State under the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund. The calculations were made in accordance with the distribution criteria laid down in Article 13(2) of Decision No 573/2007/EC of the European Parliament and of the Council, Article 12(2) of Council Decision 2007/435/EC and Article 14(2) of Decision No 575/2007/EC of the European Parliament and of the Council, establishing the Funds respectively.]

(27) Whilst it is appropriate for an amount to be allocated to each Member State on the basis of the latest available statistical data, a part of the available resources under the Fund should also be distributed for the implementation of specific actions which require cooperative effort amongst Member States and generate significant added value for the Union, and for the implementation of the Union Resettlement Programme and for the implementation of relocation.

(28) For that purpose, this Regulation should establish a list of specific actions eligible for resources from the Fund. Additional amounts should be allocated to those Member States which make a commitment to implement them.

(29) In the light of the progressive establishment of a Union Resettlement Programme, the Fund should provide targeted assistance in the form of financial incentives (lump sums) for each resettled person.

- (30) With a view to increasing the impact of the Union resettlement efforts in providing protection to persons in need of international protection and maximising the strategic impact of resettlement through a better targeting of those persons who are in greatest need of resettlement, common priorities with respect to resettlement should be formulated at Union level. These common priorities should be amended only where there is a clear justification for doing so or in light of any recommendations from UNHCR on the basis of the general categories specified in this Regulation.
- (31) Given their particular vulnerability, some categories of persons in need of international protection should always be included in the common Union resettlement priorities.
- (32) Taking into account the resettlement needs set out in the common Union resettlement priorities, it is also necessary that additional financial incentives are provided for the resettlement of persons with respect to specific geographic regions and nationalities as well as to the specific categories of persons to be resettled, where resettlement is determined to be the most appropriate response to their special needs.
- (33) To enhance the solidarity and share better the responsibility between the Member States, in particular towards those most affected by asylum flows, a similar mechanism based on financial incentives should also be established for relocation of beneficiaries of international protection.
- (34) With a view to taking account of significant changes in migration flows and addressing the needs of asylum and reception systems of Member States, a mid-term review should be carried out. For that purpose, a financial reserve should be kept for the distribution at the mid-term review.
- (35) The support provided by the Fund will be more efficient and bring greater added value if a limited number of objectives is identified in this Regulation which shall be pursued in the programmes drawn up by each Member State, taking into account its specific situation and needs.

- (36) It is important for enhanced solidarity that the Fund provides additional support to address emergency situations of heavy migratory pressure in Member States or third-countries or in the event of mass influx of displaced persons, pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting a balance efforts between Member States in receiving such persons and bearing the consequences thereof⁹, through emergency assistance.
- (37) This Regulation should provide financial assistance for the activities of the European Migration Network set up by Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network¹⁰ in line with its objectives and tasks.
- (38) Decision 2008/381/EC should therefore be amended.
- (39) In the light of the purpose of financial incentives allocated to the Member States for resettlement and/or relocation in the form of lump sums and because they represent a small fraction of the actual costs, this Regulation should provide for certain derogations from the rules on the eligibility of expenditure.
- (40) In order to supplement or amend provisions of this Regulation on the lump sums for resettlement and relocation, the definition of specific actions and of common Union resettlement priorities, 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. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. 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 Council.
- (40a) In the application of the Regulation, including the preparation of delegated acts, the Commission should consult experts from all Member States.

⁹ OJ L 212, 7.8.2001, p. 12.

¹⁰ OJ L 131, 21.5.2008, p. 7.

- (41) In order to ensure a uniform, efficient and timely application of the provisions of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹¹.
- (42) Funding from the Union budget should concentrate on activities where the Union intervention can bring additional value compared to action of Member States alone. As the European Union is in a better position than Member States to provide a framework for expressing Union solidarity in the management of migration flows, financial support provided under this Regulation should contribute in particular to strengthening national and Union capabilities in this area.
- (43) For the purpose of its management and implementation, the Fund should form part of a coherent framework consisting of this Regulation and Regulation (EU) No [.../...] 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 management¹².
- (44) Since the objective of this Regulation, namely to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy, cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (44a) Pursuant to Articles 8 and 10 of the Treaty on the Functioning of the European Union, the Fund should take account of the mainstreaming of equality between women and men and anti-discrimination principles.

¹¹ OJ L 55, 28.2.2011, p. 13.

¹² OJ L , , p. .

- (45) Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013¹³ should be repealed.
- (46) Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013¹⁴ should be repealed.
- (47) Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013¹⁵ should be repealed.
- (48) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland *has notified its wish to take part in the adoption and application of this Regulation*.
- (49) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom *has notified its wish to take part in the adoption and application of this Regulation*.
- (49a) (deleted)
- (50) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

HAVE ADOPTED THIS REGULATION:

¹³ OJ L 144, 6.6.2007, p. 1.
¹⁴ OJ L 144, 6.6.2007, p. 45.
¹⁵ OJ L 168, 28.6.2007, p. 18.

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose and scope

1. This Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Asylum, Migration and Integration Fund (hereinafter referred to as 'the Fund').
2. This Regulation lays down:
 - (a) the objectives of financial support and the eligible actions;
 - (b) the general framework for the implementation of eligible actions;
 - (c) the available financial resources and their distribution;
 - (d) the principles and mechanism for establishment of common Union resettlement priorities;
 - (e) the financial assistance provided for the activities of the European Migration Network.
3. This Regulation provides for the application of the rules set out in Regulation (EU) No .../... [Horizontal Regulation].

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) '*resettlement*' means the process whereby, on a request from the United Nations High Commissioner for Refugees (UNHCR) based on a person's need for international protection, third-country nationals are transferred from a third-country and established in a Member State where they are permitted to reside with one of the following statuses:
 - (i) refugee status within the meaning of point (d) of Article 2 of Directive 2011/95/EU, or

- (xx) subsidiary protection status within the meaning of point (g) of Article 2 of Directive 2011/95/EU, or
- (ii) other statuses which offers similar rights and benefits under national and Union law as the statuses referred to in points (i) and (ii);
- (b) '*relocation*' means the process whereby, beneficiaries of international protection within the meaning of Directive 2011/95/EU are transferred from the Member State which granted them international protection to another Member State where they will be granted equivalent protection
- (bb) '*international protection*' means refugee status and subsidiary protection status within the meaning of Directive 2011/95/EU;
- (bbb) '*return*' means the process of a third country national going back – whether in voluntary compliance with an obligation to return, or enforced – as defined in Article 3 of the Directive 2008/115.
- (c) '*third-country national*' means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty, hence including stateless persons and persons with undetermined citizenship;
- (cc) '*removal*' means the enforcement of the obligation to return, namely the physical transportation out of the Member State – as defined in Article 3 of the Directive 2008/115/EU;
- (ccc) '*voluntary departure*' means compliance with the obligation to return within the time- limit fixed for that purpose in the return decision – as defined in Article 3 of the Directive 2008/115/EU;
- (cccc) "voluntary return" means the assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.

- (d) *'unaccompanied minor'* means a third-country national below the age of 18 years, who arrives in the territory of the Member States unaccompanied by an adult responsible for him/her whether by law or by the national practice of the Member State concerned, and for as long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;
- (dd) *'vulnerable person'* means any third-country national who complies with this definition under national law in application of Union law relevant for the policy area of action supported under this Fund.
- (e) *'family members'* means any third-country national who complies with this definition under national law in application of Union law relevant for the policy area of action supported under this Fund.
- (f) *'emergency situation'* means a situation resulting from:
 - (i) heavy migratory pressure in one or more Member States characterised by a large or disproportionate inflow of third-country nationals which place significant and urgent demands on their reception and detention facilities, asylum systems and procedures, or
 - (ii) implementation of temporary protection mechanisms within the meaning of Directive 2001/55/EC, or
 - (iii) heavy migratory pressure in third countries where refugees are stranded due to events such as political developments or conflicts.

Article 3

Objectives

1. The general objective of the Fund shall be to contribute to the effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common migration policies.
2. Within its general objective, the Fund shall contribute to the following common specific objectives:

- (a) to strengthen and develop all aspects of the Common European Asylum System, including its external dimension;
- (b) to support legal migration to the Member States in line with their economic and social needs, such as labour market needs, while reducing the abuse of legal migration, and to promote the effective integration of third-country nationals;
- (c) to enhance fair and effective return strategies in the Member States supporting the fight against illegal immigration with an emphasis on sustainability of return and effective readmission in the countries of origin and transit;
- (d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

The achievements of the specific objectives of this Fund shall be measured through common indicators as set out in Annex IV and specific programme indicators included in national programmes.

Article 4

Target groups

(deleted)¹⁶

CHAPTER II

COMMON EUROPEAN ASYLUM SYSTEM

Article 5

Reception and asylum systems

1. Within the specific objective defined in point (a) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, the Fund shall support actions focusing on one or more of the following categories of third-country nationals:
 - those who enjoy refugee status or subsidiary protection status within the meaning of Directive 2011/95/EU;

¹⁶ Target groups are now referred to in articles on eligible actions in chapters II-IV

- those who have applied for one of the abovementioned forms of the protection and not yet received a final decision;
- those who enjoy temporary protection within the meaning of Directive 2001/55/EC;
- those who are being or have been resettled or relocated in a Member State.

In this context and as regards reception conditions and asylum procedures, the Fund shall support, in particular, the following actions focusing on the abovementioned categories of persons:

- (a) provision of material aid, and medical and psychological care;
- (aa) provision of support services such as translation and interpretation, education, training, including language training, and other initiatives which are consistent with the status of the person concerned;
- (b) provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling on the possible outcomes of the asylum procedure, including on aspects such as return procedures;
- (c) provision of legal assistance and representation;
- (d) identification of vulnerable groups and specific assistance for vulnerable persons, in particular in line with (a) to (c) above;
- (e) (deleted)
- (f) deleted)

Where deemed appropriate and where the national programme of a Member State provides for, the Fund may also support integration related measures, such as those referred to in Article 9(1) in relation with the reception of persons referred to above.

- 1a. Within the specific objective defined in point (a) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, as regards accommodation infrastructure and reception systems, the Fund shall support, in particular, the following actions:

- (a) improvement and maintenance of existing accommodation infrastructure and services;
 - (aa) strengthening and improving of administrative structures and systems;
 - (b) information for local communities;
 - (bb) training for the staff of authorities dealing with the reception of persons referred to in paragraph 1;
 - (c) establishment and development of new accommodation infrastructure and services as well as administrative structures and systems, in particular, where necessary, to address the structural needs of Member States;
 - (d) training of staff and relevant authorities to ensure effective access to asylum procedures as well as fair and efficient asylum procedures, in particular, where necessary, to support developments in the EU acquis.
2. (deleted)
3. Within the specific objectives defined in points (a) and (d) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, the Fund shall also support actions similar to those listed in paragraph 1, where these are related to persons who are temporarily staying in transit and processing centres for refugees, in particular to support resettlement operations in cooperation with the UNHCR.

Article 6

Member States' capacity to develop, monitor and evaluate their asylum policies and procedures

Within the specific objective defined in point (a) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, as regards actions relating to the enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies and procedures, the Fund shall support, in particular the following actions:

- (a) actions enhancing the capacity of Member States to collect, analyse and disseminate data and statistics on asylum procedures, reception capacities, resettlement and relocation actions;

- (aa) actions enhancing the capacity of Member States to collect, analyse and disseminate country of origin information;
- (b) actions directly contributing to the evaluation of asylum policies, such as national impact assessments, surveys amongst target groups, the development of indicators and benchmarking.

Article 7

Resettlement

1. Within the specific objective defined in points (a) and (d) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, the Fund shall support, in particular, the following actions related to resettlement:
 - (a) establishment and development of national resettlement programmes;
 - (b) establishment of appropriate infrastructure and services to ensure the smooth and effective implementation of resettlement actions;
 - (c) setting up of structures, systems and training of staff to conduct missions to the third countries and/or other Member States, to carry out interviews, medical and security screening;
 - (d) assessment of potential resettlement cases by the competent Member States' authorities, such as conducting missions to the third country, interviews, medical and security screening;
 - (e) pre-departure health assessment and medical treatment, pre-departure material provisions, pre-departure information and integration measures and travel arrangements, including the provision of medical escort services;
 - (f) information and assistance upon arrival or shortly thereafter, including interpretation services;
 - (g) strengthening of migration and asylum relevant infrastructure and services in the countries designated for the implementation of Regional Protection Programmes.
2. Within the specific objective defined in point (d) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, the Fund shall also support actions similar to those listed in paragraph 1, where deemed appropriate in light of policy developments within the implementation period of the Fund or where the national programme of a Member State makes such provisions, in relation to relocation.

3. The actions listed in paragraphs 1 and 2 may include, where appropriate, family members of persons to be resettled or relocated.

CHAPTER III

INTEGRATION OF THIRD-COUNTRY NATIONALS AND LEGAL MIGRATION

Article 8

Immigration and pre-departure measures

Within the specific objective defined in point (b) of Article 3(2) and in line with the objectives of the national programmes defined in Article 20, the Fund shall support actions taking place in a third country which focus on third-country nationals, who comply with specific pre-departure measures and/or conditions set out in national law and in accordance with EU law where applicable, including those relating to the ability to integrate in the society of a Member State.

In this context, the Fund shall support, in particular the following actions:

- (a) information packages and campaigns to raise awareness and promote intercultural dialogue, including via user friendly communication and information technology and websites;
- (b) assessment of skills and qualifications as well as enhancement of transparency and compatibility of skills and qualifications in a third country with those of Member States;
- (c) training enhancing employability in a Member State;
- (d) comprehensive civic orientation courses and language tuition;
- (dd) assistance in the context of applications for family reunification within the meaning of Directive 2003/86/EC.

Article 9

Integration measures

1. Within the specific objective defined in point (b) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, the Fund shall support actions which take place in the framework of consistent integration strategies, which include the national, local and/or regional level where appropriate.

In this context, the Fund shall support, in particular, the following actions focusing on the third-country nationals who are residing legally in a Member State or, where appropriate, who are in the process of acquiring legal residence in a Member State:

- (a) setting up and developing such integration strategies, including needs analysis, the improvement of indicators and evaluation;
 - (b) advice and assistance in areas such as housing, means of subsistence, administrative and legal guidance, medical, psychological and social care, child care;
 - (c) actions introducing third-country nationals to the receiving society and actions enabling them to adapt to it, to inform them on their rights and obligations, to participate in civil and cultural life and to share the values enshrined in the Charter of Fundamental Rights of the European Union;
 - (d) measures focusing on education and training, including language training and preparatory actions to facilitate access to the labour market;
 - (e) actions designed to promote self-empowerment and to enable third-country nationals to provide for themselves;
 - (f) actions that promote meaningful contact and constructive dialogue between third-country nationals and the receiving society and actions to promote acceptance by the receiving society, including through the involvement of the media;
 - (g) actions promoting both equality of access and equality of outcomes in relation to third-country nationals' dealings with public and private services, including adaptation of these services to dealing with third-country nationals;
 - (h) capacity building of beneficiaries, including through exchange of experience and good practices, and networking.
2. Actions referred to in paragraph 1 shall, where appropriate, take into account the specific needs of different categories of third-country nationals, including beneficiaries of international protection, resettled or relocated persons and, especially, vulnerable persons.
3. deleted

4. For the purpose of programming and implementation of actions referred to in paragraph 1, the partnership referred to in Article 12 of the Regulation (EU) No .../... [Horizontal Regulation] shall include authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund.

Article 10

Practical co-operation and capacity building measures

Within the specific objective defined in point (b) of Article 3(2) and in line with the objectives of the national programmes defined in Article 20, as regards capacity building measures, the Fund shall support, in particular the following actions:

- (a) building up strategies promoting legal migration with a view to facilitating the development and implementation of flexible admission procedures;
- (aa) supporting cooperation between third countries and recruitment agencies, ~~and~~ employment services and immigration services of Member States, as well as supporting Member States in their implementation of Union migration law, consultation processes with relevant stakeholders and expert advice or information exchanges on approaches which target specific nationalities or categories of third-country nationals with respect to needs of the labour markets;
- (b) reinforcing the capacity of Member States to develop, implement, monitor and evaluate their immigration strategies, policies and measures across the different levels and departments of administrations, in particular enhancement of their capacity to collect, analyse and disseminate data and statistics on migration procedures and flows, residence permits and development of monitoring tools, evaluation schemes, indicators and benchmarking for measuring achievements of these strategies;
- (c) training of beneficiaries and staff providing public and private services, including educational institutions, promoting the exchange of experience and good practices, cooperation, networking and intercultural capacities, as well as improving the quality of services provided;

- (d) building sustainable organisational structures for integration and diversity management, in particular through cooperation between different stakeholders enabling officials at various levels of national administrations to swiftly gain information about experiences and best practices elsewhere and, where possible, to pool resources between relevant authorities as well as between governmental and non-governmental bodies to more effectively provide services to third-country nationals, *inter alia* through one-stop-shops (i.e. coordinated integration support centres);
- (e) developing platforms for consultation of third-country nationals, exchange of information among stakeholders as well as intercultural and religious dialogue platforms between third country nationals' communities and/or between these communities and the receiving society and/or between those communities and policy and decision-making authorities;
- (f) actions to promote and reinforce the practical cooperation between the relevant authorities of Member States, with a focus, *inter alia*, on exchange of best practices and strategies and developing and implementing joint actions;
- (g) cooperation between Member States in order to combat intra EU illegal immigration flows, study forms of migration fraud and analyse *modi operandi*;
- (h) cooperation between Member States with a view to combating fraud and the abuse of legal migration channels, including exchange of information and joint actions targeting migration fraud.

CHAPTER IV

RETURN

Article 11

Measures accompanying return procedures

Within the specific objective defined in point (c) of Article 3(2) and in line with the objectives of the national programmes defined in Article 20, as regards measures accompanying return procedures, the Fund shall support actions focusing on one or more of the following categories of third-country nationals:

- who have not yet received a final negative decision in relation to their request to stay, legal residence and/or international protection in a Member State and who may choose to make use of voluntary return;
- enjoying the right to stay, legal residence and/or international protection within the meaning of Directive 2011/95/EU or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who have chosen to make use of voluntary return;
- who are present in a Member State and do not or no longer fulfil the conditions for entry and/or stay in a Member State.

In this context, the Fund shall support, in particular, the following actions focusing on the above-mentioned categories of persons:

- (a) (deleted)
- (b) (deleted)
- (c) provision of material aid, health and psychological care;
- (d) provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling;
- (e) provision of legal aid and language assistance;
- (f) specific assistance for vulnerable persons;
- (g) establishment, maintenance and improvement of accommodation, reception or detention infrastructure, services and conditions;
- (h) setting up of administrative structures, systems, including IT tools,
- (i) training of staff to ensure effective return procedures, including their management and implementation.

Article 12

Return measures

Within the specific objective defined in point (c) of Article 3(2) and in line with the objectives of the national programmes defined in Article 20, as regards return measures, the Fund shall support actions focusing on persons referred to in Article 11.

In this context, the Fund shall support, in particular, the following actions:

- (aa) measures necessary for the preparation of return operations, such as those leading to the identification of third-country nationals, issuing of travel documents and family tracing;
- (a) co-operation with consular authorities and immigration services of third countries with a view to obtaining travel documents, facilitating repatriation and ensuring readmission;
- (b) assisted voluntary return measures, including medical examinations and assistance, travel arrangements, financial contributions, pre- and post-return counselling and assistance;
- (bb) removal operations, including related measures;
- (c) measures to launch the process of reintegration for the returnee's personal development, such as cash-incentives, training, placement and employment assistance and start-up support for economic activities;
- (d) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival;
- (e) specific assistance for vulnerable persons.

Article 13

Practical co-operation and capacity building measures

Within the specific objective defined in point (c) of Article 3(2) and in line with the objectives of the national programmes defined in Article 20, as regards practical co-operation and capacity building measures, the Fund shall support, in particular, the following actions:

- (a) actions to promote, develop and reinforce the operational cooperation and information exchange between the return services and other relevant authorities of Member States involved in return, including as regards co-operation with consular authorities and immigration services of third countries and joint return operations;
- (b) actions to support cooperation between third-countries and return services of Member States, including measures aiming at strengthening third countries' capacities to conduct readmission and reintegration activities;
- (c) actions enhancing the capacity to develop effective and sustainable return policies, in particular by exchanging information on the situation in countries of return, best practices, sharing experience and pooling resources between Member States;
- (d) actions enhancing the capacity to collect, analyse and disseminate data and statistics on return procedures and measures, reception and detention capacities, enforced and voluntary returns, monitoring and reintegration;
- (e) actions directly contributing to the evaluation of return policies, such as national impact assessments, surveys amongst target groups, the development of indicators and benchmarking;
- (f) information measures and campaigns in third countries aimed at raising awareness of and preventing illegal immigration to the EU.

CHAPTER V

FINANCIAL AND IMPLEMENTATION FRAMEWORK

Article 14

Global resources and implementation

1. The global resources for the implementation of this Regulation shall be [EUR 3,869 million].
2. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the financial framework.

3. The global resources shall be implemented through the following means:
 - (a) national programmes, in accordance with Article 20;
 - (b) Union actions, in accordance with Article 21;
 - (c) emergency assistance, in accordance with Article 22;
 - (d) European Migration Network, in accordance with Article 23;
 - (e) technical assistance, in accordance with Article 24.
4. The global resources available under this Regulation shall be implemented under shared management in accordance with [point (b) of Article 58(1) of the New Financial Regulation]¹⁷, with the exception of Union actions referred to in Article 21, the emergency assistance referred to in Article 22, the European Migration Network referred to in Article 23, and technical assistance referred to in Article 24.
5. The global resources shall be used indicatively as follows:
 - (a) [EUR 3,232] million for national programmes of Member States;
 - (b) [EUR 637] million for Union actions, emergency assistance, European Migration Network and technical assistance of the Commission.

Article 15

Resources for eligible actions in the Member States

1. [EUR 3,232] million shall be allocated to the Member States indicatively as follows:
 - (a) [EUR 2,372] million as indicated in Annex I;
 - (b) [EUR 700] million based on the distribution mechanism for specific actions as referred to in Article 16, for the Union Resettlement Programme as referred to Article 17 and for relocation as referred to in Article 18;

¹⁷ Commission proposal – Regulation on the financial rules applicable to the annual budget of the Union (COM(2010)815 final of 22.12.2010). This proposal constitutes a formal withdrawal by the Commission of the previous legislative proposals COM(2010)71 final and COM(2010)260 final.

- (c) [EUR 160] million in the framework of the mid-term review and from the period as of budget year 2018, to take into account important changes in migration flows and/or address the specific needs established by the Commission provided for in Article 19.
2. The amount referred to in point (b) of paragraph 1 shall support:
- (a) specific actions listed in Annex II,
 - (b) Union Resettlement Programme referred and/or relocation according to Articles 17 and -18 respectively.

Article 16

Resources for specific actions

1. An additional amount as referred to in point (a) of Article 14(2) may be allocated to the Member States provided that it is earmarked as such in the programme and shall be used to implement specific actions. Those specific actions are listed in Annex II.
2. To take into account new policy developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to revise the Annex II in the context of the mid-term review. On the basis of the revised list of specific actions, Member States may receive an additional amount as laid down in paragraph 1, subject to available resources.
3. The additional amounts referred to in paragraphs 1 and 2 shall be allocated to the Member States in the individual financing decisions approving or revising their national programme in the context of the mid-term review according to the procedure laid down in Articles 14 and 15 of the Regulation (EU) No .../... [Horizontal Regulation]. Those amounts shall only be used for the implementation of the specific actions.

Article 17

Resources for Union Resettlement Programme

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive every two years an additional amount as set out in point (b) of Article 15(2) based on a lump sum of [EUR 6,000] for each resettled person.

2. The lump sum referred to in paragraph 1 shall be increased to [EUR 10,000] for each person resettled according to the common Union resettlement priorities established pursuant to paragraphs 3 and 4 ~~and listed in Annex III.~~
3. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to amend the common Union resettlement priorities in Annex III, only where there is a clear justification for doing so or in light of any recommendations from UNHCR~~which shall be based on the following general categories:
- persons from a country or region designated for the implementation of a Regional Protection Programme;
 - persons from a country or region which has been identified in the UNHCR resettlement forecast and where Union common action would have a significant impact in addressing the protection needs;
 - persons belonging to a specific category falling within the UNHCR resettlement criteria.
4. Without prejudice to paragraph 3, the following vulnerable groups of persons shall in any event be included in the common Union resettlement priorities and qualify for the lump sum provided for in paragraph 2 :
- women and children at risk,
 - unaccompanied minors,
 - persons having medical needs that can be addressed only through resettlement,
 - persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs, including victims of violence or torture.
5. Where a Member State resettles a person according to more than one of categories referred to in paragraphs 1 and 2, it shall receive the lump sum for that person only once.
- 5a. Where appropriate, family members of persons referred to in paragraphs 1, 3 and 4 may also be eligible for lump sums, provided that they have been resettled in accordance with this Regulation.

6. The Commission shall establish by way of implementing acts the timetable and other implementation conditions related to the allocation mechanism of resources for Union Resettlement Programme in accordance with the procedure referred to in Article 27(2).
7. The additional amounts referred to in paragraphs 1 and 2 shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme according to the procedure laid down in Article 14 of the Regulation (EU) No .../... [Horizontal Regulation] and later in a financing decision to be annexed to the decisions approving their national programme. Those amounts shall not be transferred to other actions under the national programme.
- 7a. **The common Union resettlement priorities referred to in paragraph 3 shall be agreed within the implementation framework for the work programme for Union actions and emergency assistance according to the procedure laid down in Article 7 of the Regulation (EU) No.../... [Horizontal Regulation] and will be revised under this procedure only where there is a clear justification for doing so or in light of any recommendations from UNHCR.**
8. To effectively pursue the objectives of the Union Resettlement Programme and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust, if deemed appropriate, the lump sums referred to in paragraphs 1 and 2, in particular taking into account the current rates of inflation, relevant developments in the field of resettlement as well as factors which can optimise the use of the financial incentive brought by the lump sum.

Article 18

Resources for relocation

1. In light of EU policy developments within the implementation period of the Fund, Member States, shall, in addition to their allocation calculated in accordance with point a of Article 15 (1), receive, an additional amount as set out in point (b) of Article 15 (2) based on a lump sum of [EUR 6,000] for each person relocated from another Member State.

The Commission shall establish by way of implementing acts the timetable and other implementation conditions related to the allocation mechanism of resources for relocation in accordance with the procedure referred to in Article 27 (2).

- 1a. Family members of persons referred to in paragraph 1 may also be eligible for lump sums where appropriate, provided that they have been relocated in accordance with this Regulation.
2. (deleted)
3. The additional amounts referred to in paragraph 1 shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme according to the procedure laid down in Article 14 of the Regulation (EU) No .../... [Horizontal Regulation] and later in a financing decision to be annexed to the decision approving their national programme. Those amounts shall not be transferred to other actions under the national programme.
4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust the lump sum referred to in paragraph 1, in particular taking into account the current rates of inflation, relevant developments in the field of relocation as well as factors which can optimise the use of the financial incentive brought by the lump sum.

Article 19

Resources in the framework of the mid-term review

1. In order to allocate the amount indicated in point (c) of Article 15(1), by 1 June 2017 the Commission shall assess the needs of Member States as regards the pressure on their asylum systems and their situation concerning illegal immigration flows in the period 2014 to 2016 as well as the needs based on potential pressure in Member States in the area of asylum and migration for the period 2017-2020.

The abovementioned amount shall be distributed as follows:

- (a) 40% for pressure on asylum systems
- (b) 30% for illegal immigration flows
- (c) 30% for risk assessment.

The Commission shall use for its overall assessment, inter alia, the latest available statistical data collected by Eurostat, the information from the European Migration Network, the EASO and the Frontex Agency risk analysis.

- 1a. For pressure on asylum systems, the level of needs shall be established taking into account the average number of first asylum applications in the period 2014-2016 by comparison with the same statistical data corresponding to the period 2011-2013 as follows:
 - (i) factor 0 for no pressure (decrease or increase up to 5%)
 - (ii) factor 1,5 for medium pressure (increase between 5% and 20%)
 - (iii) factor 3 for high pressure (increase above 20%)
- 1b. For illegal immigration flows, the level of needs shall be established taking into account the average number of return decisions issued by national authorities in the period 2014-2016 by comparison with the average of the same statistical data corresponding to the period 2011-2013 as follows:
 - (i) factor 0 for no pressure (decrease or increase up to 5%)
 - (ii) factor 1,5 for medium pressure (increase between 5% and 20%)
 - (iii) factor 3 for high pressure (increase above 20%)

- 1c. For risk assessment, the Commission shall draw up a report in order to set up for each Member State the level of potential pressure in the area of asylum and migration for the period 2017-2020. The levels of potential pressure shall be based on the following factors:
- (a) burden on asylum and migration systems in Member States;
 - (b) factors that affected asylum and migration flows to the Member States in the period 2014-2016;
 - (c) developments in EU policies;
 - (d) possible future trends in migratory flows;
 - (e) likely political, economic and social developments in third-countries, and in particular neighbouring countries.

Before issuing its report determining the levels of potential pressure, the Commission will have an exchange of views with the Member States.

2. The additional amounts distributed in accordance with paragraph 2 shall be allocated to the Member States in the individual financing decisions revising their national programme according to the procedure laid down in Article 15 of the Regulation (EU) No .../... [Horizontal Regulation].

Article 20

National programmes

1. Under the national programmes, to be examined and approved in accordance with Article 14 of the Regulation (EU) No .../... [Horizontal Regulation], Member States shall within the objectives defined in Article 3, taking account of the outcome of the dialogue referred to in Article 13 of Regulation (EU) No.../2012 [Horizontal Regulation], pursue in particular the following Union objectives:

- (a) strengthening the establishment of Common European Asylum System by ensuring the efficient and uniform application of the Union acquis on asylum and the proper functioning of the Dublin Regulation. These actions may also include the establishment and development of the Union Resettlement Programme;
 - (b) (deleted)
 - (c) setting up and developing integration strategies, to be implemented at national/local/regional level where appropriate, taking into account the integration needs of third country nationals at local/regional level, addressing specific needs of different categories of migrants and developing effective partnerships between relevant stakeholders;
 - (d) developing a return programme, which includes a component on assisted voluntary return and, where appropriate, on reintegration.
2. (deleted)

Article 21

Union actions

1. At the Commission's initiative, the Fund may be used to finance transnational actions or actions of particular interest to the Union, concerning the general and specific objectives referred to in Article 3.
2. To be eligible for funding, Union actions shall, in particular, support:
 - (a) the furthering of Union cooperation in implementing Union law and good practices in the field of asylum, including resettlement and relocation, legal migration, including integration of third-country nationals, and return;
 - (b) the setting-up of transnational cooperation networks and pilot projects, including innovative projects, based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation, and to facilitate exchanges of experience and good practice;

- (c) studies and research on possible new forms of Union cooperation in the field of asylum, immigration, integration and return and relevant EU law, the dissemination and exchange of information on best practices and on all other aspects of asylum, immigration, integration and return policies, including corporate communication on the political priorities of the Union;
 - (d) development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of asylum, legal migration and integration and return;
 - (e) preparatory, monitoring, administrative and technical support, development of an evaluation mechanism, required to implement the policies on asylum and immigration;
 - (f) cooperation with third countries, in particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes.
 - (g) information measures and campaigns in third countries aimed at raising awareness of and preventing illegal immigration to the EU.
3. The actions referred to in this Article shall be implemented in accordance with Article 7 of the Regulation (EU) No .../... [Horizontal Regulation].

Article 22

Emergency assistance

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation.
2. Emergency assistance shall be implemented in accordance with Articles 7 and 8 of the Regulation (EU) No .../...[Horizontal Regulation].

Article 23

European Migration Network

1. The Fund shall support the European Migration Network and provide financial assistance necessary for its activities and its future development.
2. deleted

3. deleted
4. deleted
5. deleted
6. deleted
7. The amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted in accordance with the procedure referred to in Article 27(3) and, if possible, combined with the work programme for Union actions and emergency assistance.
8. Financial assistance provided for the activities of the European Migration Network shall take the form of grants to the National Contact Points and public contracts as appropriate, in line with the Financial Regulation. The assistance shall ensure appropriate and timely financial support to National Contact Points.
9. Decision 2008/381/EC is hereby amended as follows:
 - (a) Article 4(5)(a) is replaced by the following:

'contribute to the preparation and approve of the annual draft work programme of activities, notably in regard to the objectives and thematic priorities and an indicative amount of the budget for each National Contact Point to ensure the proper functioning of the EMN, on the basis of a draft from the Chair;'
 - (aa) **Article 6(4) is replaced by the following:**

'The Commission shall monitor the execution of the work programme of activities and regularly report on its execution and the development of the EMN to the Steering Board.'
 - (b) Article 6 (~~4~~ **5**) to (8) is deleted.
 - (c) Article 11 is deleted.
 - (d) Article 12 is deleted.

Article 24

Technical assistance

1. At the initiative and/or on behalf of the Commission, up to EUR [2,5 million] of the Fund shall be annually used for technical assistance in accordance with Article 10 of the Regulation (EU) No .../... [Horizontal Regulation].
2. At the initiative of a Member State, the Fund may finance technical assistance activities, in accordance with Article 20 of Regulation (EU) No .../... [Horizontal Regulation]
The amount set aside for technical assistance shall not exceed, for the period 2014 to 2020, 5.5% of the total amount allocated to a Member States plus EUR [1.000.000].

CHAPTER VI

FINAL AND TRANSITIONAL PROVISIONS

Article 25

Specific provisions concerning lump sums for resettlement and relocation

By way of derogation from the rules on the eligibility of expenditure laid down in Article 18 of the Regulation (EU) No .../... [Horizontal Regulation], in particular as regards the lump sums and flat rates, the lump sums allocated to the Member States for resettlement and/or relocation pursuant to this Regulation shall be:

- exempt from the obligation that they are to be based on statistical or historic data; and
- granted provided that the person in respect of whom the lump sum is allocated was resettled and/or relocated in accordance with this Regulation.

Article 26

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of seven years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven year period. The delegation of powers shall be tacitly extended for a period of three years, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 27

Committee procedure

1. The Commission shall be assisted by the common Committee 'Asylum and Migration and Internal Security Funds' established by Article 55(1) of the Regulation (EU) No .../... [Horizontal Regulation].
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply and Article 55 (3) of Regulation (EU) No .../... [Horizontal Regulation] shall also apply.

Article 28

Review

On the basis of a proposal from the Commission, the European Parliament and the Council shall review this Regulation by 30 June 2020 at the latest.

Article 29

Applicability of the Regulation (EU) No .../... [Horizontal Regulation]

The provisions of [Regulation (EU) No .../...] shall apply to this Fund.

Article 30

Repeal

The following Decisions are repealed with effect from 1 January 2014:

- (a) Decision No 573/2007/EC;
- (b) Decision No 575/2007/EC;
- (c) Decision 2007/435/EC;
- (d) (deleted)

Article 31

Transitional provisions

1. This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of the projects and annual programmes concerned, until their closure, or of assistance approved by the Commission on the basis of Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC or any other legislation applying to that assistance on 31 December 2013.

This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of financial support approved by the Commission on the basis of Decision 2008/381/EC or any other legislation applying to that assistance on 31 December 2013.

2. When adopting decisions on co-financing under this Regulation, the Commission shall take account of measures adopted on the basis of Decisions No 573/2007/EC, No 575/2007/EC, 2007/435/EC and 2008/381/EC before [date of publication in the Official Journal] which have financial repercussions during the period covered by that co-financing.
3. Sums committed for co-financing approved by the Commission between 1 January 2011 and 31 December 2013 for which the documents required for closure of the actions have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2017, giving rise to the repayment of amounts unduly paid.
4. Amounts relating to actions which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.
5. Member States shall submit to the Commission by 30 June 2015 evaluation reports on the results and impact of actions co-financed under the Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC concerning the period 2011 to 2013.
6. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 31 December 2015 ex-post evaluation reports under the Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC concerning the period 2011 to 2013.

Article 32

Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

[ANNEX I]

Multiannual breakdowns per Member States for 2014-2020

Member State	Minimum amount	% 2012 allocations ERF+IF+RF	Basic amount distributed on basis of 2012 allocations	TOTAL
Austria	5,000,000 €	2.55%	57,244,042 €	62,244,042 €
Belgium	5,000,000 €	3.67%	82,226,960 €	87,226,960 €
Bulgaria	5,000,000 €	0.24%	5,446,366 €	10,446,366 €
Cyprus	5,000,000 €	0.98%	21,978,144 €	26,978,144 €
Czech Republic	5,000,000 €	0.98%	21,965,087 €	26,965,087 €
Estonia	5,000,000 €	0.24%	5,282,020 €	10,282,020 €
Finland	5,000,000 €	0.81%	18,170,163 €	23,170,163 €
France	5,000,000 €	11.52%	258,300,549 €	263,300,549 €
Germany	5,000,000 €	8.89%	199,259,551 €	204,259,551 €
Greece	5,000,000 €	12.34%	276,632,036 €	281,632,036 €
Hungary	5,000,000 €	0.87%	19,572,112 €	24,572,112 €
Ireland	5,000,000 €	0.66%	14,743,744 €	19,743,744 €
Italy	5,000,000 €	13.66%	306,199,543 €	311,199,543 €
Latvia	5,000,000 €	0.38%	8,520,126 €	13,520,126 €
Lithuania	5,000,000 €	0.24%	5,324,264 €	10,324,264 €
Luxembourg	5,000,000 €	0.08%	1,894,084 €	6,894,084 €
Malta	5,000,000 €	0.32%	7,216,214 €	12,216,214 €
Netherlands	5,000,000 €	4.00%	89,594,815 €	94,594,815 €
Poland	5,000,000 €	2.24%	50,150,327 €	55,150,327 €
Portugal	5,000,000 €	1.34%	30,107,047 €	35,107,047 €
Romania	5,000,000 €	0.85%	18,955,628 €	23,955,628 €
Slovakia	5,000,000 €	0.26%	5,724,087 €	10,724,087 €
Slovenia	5,000,000 €	0.43%	9,563,904 €	14,563,904 €
Spain	5,000,000 €	11.38%	255,185,206 €	260,185,206 €
Sweden	5,000,000 €	4.82%	108,069,258 €	113,069,258 €
United Kingdom	5,000,000 €	16.27%	364,674,722 €	369,674,722 €
MS Totals	130,000,000.00 €	100.00%	2,242,000,000 €	2,372,000,000 €

Member State	Minimum amount	Basic amount distributed on basis of average 2011-2012 - 2013 allocations	TOTAL
Austria	5,000,000 €	59.833.842 €	64.833.842 €
Belgium	5,000,000 €	84.542.861 €	89.542.861 €
Bulgaria	5,000,000 €	5.367.828 €	10.367.828 €
Cyprus	5,000,000 €	22.655.446 €	27.655.446 €
Czech Republic	5,000,000 €	21.431.250 €	26.431.250 €
Estonia	5,000,000 €	5.405.717 €	10.405.717 €
Finland	5,000,000 €	18.742.224 €	23.742.224 €
France	5,000,000 €	260.764.336 €	265.764.336 €
Germany	5,000,000 €	203.649.162 €	208.649.162 €
Greece	5,000,000 €	254.554.746 €	259.554.746 €
Hungary	5,000,000 €	19.020.162 €	24.020.162 €
Ireland	5,000,000 €	14.841.924 €	19.841.924 €
Italy	5,000,000 €	305.520.282 €	310.520.282 €
Latvia	5,000,000 €	9.026.512 €	14.026.512 €
Lithuania	5,000,000 €	4.970.465 €	9.970.465 €
Luxembourg	5,000,000 €	2.459.512 €	7.459.512 €
Malta	5,000,000 €	7.550.094 €	12.550.094 €
Netherlands	5,000,000 €	89.639.204 €	94.639.204 €
Poland	5,000,000 €	58.696.848 €	63.696.848 €
Portugal	5,000,000 €	28.071.161 €	33.071.161 €
Romania	5,000,000 €	17.237.700 €	22.237.700 €
Slovakia	5,000,000 €	6.312.648 €	11.312.648 €
Slovenia	5,000,000 €	9.962.488 €	14.962.488 €
Spain	5,000,000 €	252.299.795 €	257.299.795 €
Sweden	5,000,000 €	113.811.801 €	118.811.801 €
United Kingdom	5,000,000 €	365.631.991 €	370.631.991 €
MS Totals	130,000,000.00 €	2,242,000,000 €	2, 372,000,000 €

ANNEX II

List of specific actions according to Article 16

- (1) Establishment and development in the Union of transit and processing centres for refugees, in particular to support resettlement operations in cooperation with the UNHCR
- (2) New approaches, in cooperation with the UNHCR, concerning access to asylum procedures targeting main countries of transit such as protection programmes for particular groups or certain procedures for examination of applications for asylum
- (3) Joint initiatives amongst Member States in the field of integration, such as benchmarking exercises, peer reviews or testing of European modules, for example on the acquisition of language skills or the organisation of introductory programmes
- (4) Joint initiatives aimed at identification and implementation of new approaches concerning the procedures at first encounter and standards of protection of unaccompanied minors
- (5) Joint return operations, including joint actions on implementation of Union readmission agreements
- (6) Joint reintegration projects in the countries of origin with a view to sustainable return, as well as joint actions to strengthen third countries' capacities to implement Union readmission agreements
- (7) Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin
- (8) Joint initiatives among Member States in the field of legal migration, including the setting up of joint migration centres in third-countries, as well as joint projects to promote cooperation between Member states with a view to combating fraud and the abuse of legal migration channels
- (9) Joint initiatives strengthening the implementation of the external dimension of actions in relation to the cooperation with third countries

ANNEX III

List of common Union resettlement priorities

- ~~(1) The Regional Protection Programme in Eastern Europe (Belarus, Moldova, Ukraine)~~
- ~~(2) The Regional Protection Programme in the Horn of Africa (Djibouti, Kenya, Yemen)~~
- ~~(3) The Regional Protection Programme in North Africa (Egypt, Libya, Tunisia)~~
- ~~(4) Refugees in the region of Eastern Africa / Great Lakes~~
- ~~(5) Refugees from Iraq in Syria, Lebanon, Jordan~~
- ~~(6) Refugees from Iraq in Turkey~~

ANNEX IV

List of common Indicators for the measurement of the Specific Objectives

- (a) to strengthen and develop all aspects of the Common European Asylum System, including its external dimension;
- i. Number of target group persons provided with assistance through projects in the field of reception and asylum systems supported under this Fund
 - ii. Capacity (i.e. number of places) of new reception accommodation infrastructure set up in line with the minimum requirements for reception conditions set out in the EU acquis and of existing reception accommodation infrastructure improved in line with the same requirements as a result of the projects supported under this Fund and percentage in the total reception accommodation capacity
 - iii. Number of projects supported under this Fund to develop, monitor and evaluate asylum policies in Member States
 - iv. Number of persons resettled with support of this Fund
- (b) to support legal migration to the Member States in line with their economic and social needs, such as labour market needs, while reducing the abuse of legal migration, and to promote the effective integration of third-country nationals;
- i. Number of target group persons who participated in pre-departure measures supported under this Fund
 - ii. Number of target group persons assisted by this Fund through integration measures in the framework of national, local and regional strategies
 - iii. Number of local, regional and national policy frameworks/measures/tools in place for the integration of third country nationals and involving civil society and all relevant sectors and levels of administration, as a result of the measures supported under this Fund
 - iv. Number of cooperation projects with other Member States on integration of third-country nationals supported under this Fund

- (c) to enhance fair and effective return strategies in the Member States supporting the fight against illegal migration with an emphasis on sustainability of return and effective readmission in the countries of origin and transit;
- i. Number of persons trained on return-related topics with the assistance of the Fund
 - ii. Number of returnees who received pre or post return reintegration assistance co-financed by the Fund
 - iii. Number of returnees whose return was co-financed by the Fund persons who returned voluntarily and persons who were removed
 - iv. Number of removal operations monitored and co-financed by the Fund
- (d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.
- i. Number of persons relocated with support of this Fund
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