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#### NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	10153/18 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund - Analysis of the final compromise agreement

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (15.03.2021)**

#### I. INTRODUCTION

1. On 13 June 2018, the Commission put forward a proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund<sup>1</sup> (hereinafter referred to as 'AMF' or 'the Fund') under Heading 4 (Migration and Border Management) of the Multiannual Financial Framework (MFF) 2021-2027.
2. The Economic and Social Committee adopted its opinion on 17 October 2018. The Committee of the Regions adopted its opinion on 9 October 2018.

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<sup>1</sup> 10153/18 + ADD 1

3. The European Parliament (EP) adopted its first-reading position<sup>2</sup> at the plenary session of 13 March 2019.
4. On 7 June 2019, the Council reached a partial general approach<sup>3</sup> which served as a partial mandate to enter into negotiations with the European Parliament in the context of the ordinary legislative procedure. The partial general approach excluded a number of provisions due to their link to the overall MFF discussions, their horizontal nature, or to the pending legislative proposals related to the Common European Asylum System (CEAS).
5. On 18 December 2019, the Committee was presented with a progress report<sup>4</sup> on the ongoing negotiations with the European Parliament. The progress report included a Presidency compromise proposal on the allocation criteria (Annex I) which had secured the necessary support pending guidance from EUCO on the issue concerning insular societies and the outcome of the negotiations on the overall MFF 2021-2027.
6. The Committee also reached an agreement to update the provisions relevant to CEAS, of the mandate given to the Presidency, on 24 July 2020 with the view to start negotiations with the EP on these provisions.
7. Following the political guidance on the MFF and the Recovery package provided by the European Council in its conclusions<sup>5</sup> of 21 July 2020, the Council reached a general approach on the entire proposal on 12 October 2020<sup>6</sup>.

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<sup>2</sup> 7404/19

<sup>3</sup> 10148/19

<sup>4</sup> 14616/19

<sup>5</sup> 00010/20

<sup>6</sup> 11888/20

8. The inter-institutional negotiations started on 9 October 2019, based on the partial mandate granted on 7 June 2019. At the sixth trilogue meeting, held on 9 December 2020, a provisional agreement on the key political issues was reached between the then DE Presidency and the EP Rapporteur. This provisional agreement was presented to the Committee on 16 December 2020 in a progress report<sup>7</sup> and the Committee approved the progress made on that basis.
9. Further technical discussions on recitals, retroactivity provisions, some Annexes and possible technical alignments were still required in order to finalise the provisional agreement. These technical discussions resumed in January and the provisional agreement now covers the entire text of the proposal.
10. The full consolidated text of the final provisional agreement is set out in Annex I to this note. Changes compared to the Commission original proposal are indicated in ***bold italics*** and deletions in ~~striketrough~~.

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<sup>7</sup> 14616/19

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Asylum~~and~~, 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 Article 78(2) and Article 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 Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

Whereas:

- (1) In the context of the evolving migratory challenges characterised by the need to support strong reception, asylum, integration and migration systems of Member States, prevent and adequately handle *in solidarity* situations of pressure and replace irregular and unsafe arrivals with legal and safe pathways, investing in efficient and coordinated migration management in the Union is key to realising the Union's objective of constituting an area of freedom, security and justice pursuant to Article 67(2) of the Treaty on the Functioning of the European Union.
- (2) The importance of a coordinated approach by the Union and the Member States is reflected in the European Agenda on Migration of May 2015, which stressed the need for a consistent and clear common policy to restore confidence in the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the ~~principles~~*principle* of solidarity and fair sharing of responsibility *between the Member States as set out in Article 80 of the Treaty on the Functioning of the European Union*, and was confirmed in its mid-term review of September 2017 and the progress report of March and May 2018.

- (3) In its conclusions of 19 October 2017, the European Council reaffirmed the need to pursue a comprehensive, pragmatic and resolute approach to migration management that aims to restore control of external borders and reduce irregular arrivals and the number of deaths at sea, and should be based on a flexible and coordinated use of all available Union and Member State instruments. The European Council further called to ensure significantly enhanced returns through actions at both EU and Member States level, such as effective readmission agreements and arrangements.
- (4) In order to support efforts to ensure a comprehensive approach to management of migration grounded on mutual trust, solidarity and ***fair sharing of*** responsibility-sharing among Member States and Union institutions, with the objective of ensuring a common sustainable Union policy on asylum and immigration, Member States should be supported by adequate financial resources in the form of the Asylum-and, Migration ***and Integration*** Fund (hereinafter referred to as ‘the Fund’).
- (5) ~~The~~ ***All actions funded under this Fund, including those carried out in third countries,*** should be implemented in full compliance with the rights and principles enshrined ***in the Union acquis, the*** Charter of Fundamental Rights of the European Union, and ***should be in line*** with the Union’s international obligations as regards fundamental rights***of the Union and the Member States arising from international instruments to which they are party, in particular by ensuring compliance with the principles of gender equality, non-discrimination and best interests of the child.***

- (6) *The best interests of the child should be a primary consideration in all actions or decisions concerning children in migration, including returns, taking full account of the right of the child to express his or her views.*
- (7) The Fund should build on the results and investments achieved with the support of its predecessors: the European Refugee Fund established by the Decision 573/2007/EC of the European Parliament and the Council, the European Fund for the Integration of third-country nationals established by the Council Decision 2007/435/EC, the European Return Fund established by the Decision 575/2007/EC of the European Parliament and the Council for the period 2007-2013 and the Asylum, Migration and Integration Fund for the period 2014-2020, as established by Regulation (EU) 516/2014 of the European Parliament and of the Council. It should at the same time take into account all relevant new developments.

(78) The Fund should support *solidarity and fair sharing of responsibility between Member States and* the efficient management of migration flows, *inter alia* by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and *humanitarian admission and* the transfer of applicants for or beneficiaries of international protection between Member States, *enhancing the protection of vulnerable asylum seekers such as children*, supporting integration strategies and *developing and strengthening* a more effective legal migration policy, ~~so as~~ *for example, through safe and legal avenues of entry to the Union, which should also help* to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. ~~The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, avenues on legal migration and to counter irregular migration and ensure sustainability of return and effective readmission to third countries.~~



(89) ~~The migration crisis highlighted the need to reform the Common European Asylum System to ensure that efficient asylum procedures to prevent secondary movements, to provide uniform and appropriate reception conditions for applicants for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection. At the same time, the reform was needed to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a Union framework for Member States' resettlement efforts. Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.~~ *Given the internal nature of the Fund, and as the main funding instrument for asylum and migration at Union level, the Fund should primarily support actions serving internal Union Policy on asylum and migration in line with its objectives. However, given that certain actions taken outside the Union contribute to the achievement of the Fund's objectives and that, under specific circumstances, may bring Union added value, the Fund should support the strengthening of cooperation and partnership with third countries for the purposes of managing migration to reinforce avenues of legal migration and to enhance effective, safe and dignified return and readmission as well as to promote initial reintegration in third countries. Support provided by the Fund is without prejudice to the current voluntary nature of resettlement and relocation of applicants for, and beneficiaries of, international protection under the legal framework of the Common European Asylum System applicable at the time of adoption of this Regulation.*

(10) ~~The Fund should also~~ *In order to benefit from the expertise of relevant decentralised agencies, the Commission should ensure that their knowledge and experience is taken into account, as regards the areas of their competences, in the development of programmes. Furthermore, it should be possible for the Fund to complement and reinforce the following activities undertaken supported by the European Union Agency for Asylum (EUAA) established by Regulation (EU) ... [EUAA Regulation]<sup>3</sup> Support Office (“EASO”)* with a view to facilitating and improving the functioning of the common European asylum system, by ~~coordinating and~~:

- strengthening practical cooperation ~~and~~, *in particular* information exchange between ~~Member States, on asylum and good practices;~~
- promoting Union *and international* law and operational standards on asylum in order to ensure a high degree of uniformity ~~contributing to a uniform implementation of Union law on asylum~~ based on high protection standards as regards procedures for international protection *procedures*, reception conditions and the assessment of protection needs across the Union;

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<sup>3</sup> ~~Regulation (EU) No ... of the European Parliament and of the Council of [EUAA Regulation] (OJ L ..., [date], p. ...).~~

- enabling a sustainable and fair distribution of applications for international protection;
- ~~facilitate~~**facilitating** convergence in the assessment of applications for international protection across the Union;
- ~~support~~**supporting** the resettlement efforts of the Member States, and
- ~~provide~~**providing** operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

(11) The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.

(12) *The Fund should provide support to Member States' and the Union's efforts to fully implement and further develop the Common European Asylum System, including its external dimension.*

~~(4113)~~ Partnerships and cooperation with third countries are an essential component of Union asylum policy to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. ~~With the aim of~~ **policy for managing migration.** *The Fund should contribute to* replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those countries, ~~helping achieve the Union's migration policy objectives by increasing the Union's leverage vis-à-vis third countries, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework.~~ *The Fund should provide support, in the form of financial incentives, to efforts made by Member States to provide international protection and a durable solution for refugees and displaced persons, admitted under resettlement or humanitarian admission programmes.*

(1214) Considering the high levels of migration flows to the Union in the last years and the importance of ensuring the cohesion ***integration and inclusion for people coming to Europe, for local communities, and for the long-term well-being of our societies and the stability of our economies***, it is crucial to support Member States' policies for early integration of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration ~~of~~ ***and Inclusion 2021-2027. Integration measures financed under this Fund should support measures tailor-made to the needs of third-country nationals as well as horizontal measures aiming at building Member States' capacity to develop integration strategies, strengthen exchange and cooperation and promote contact, constructive dialogue and acceptance between the*** third-country nationals adopted by the Commission in 2016. ***and the receiving society.***

(1315) In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be ~~specific~~ ***consistent with*** and complementary to actions financed under ***other Union instruments, in particular external instruments***, the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF). Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals that are generally implemented in the early ~~stage~~ ***stages*** of integration, and horizontal actions supporting Member States' capacities in the field of integration, whereas interventions for third-country nationals with a longer-term impact should be financed under the ERDF and ESF+.

**(16) 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 that target group. Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.**

~~(1417)~~ In this context, the authorities of the Member States responsible for the implementation of the Fund should be required to cooperate and ~~establish coordination mechanisms~~ **coordinate** with the authorities identified by Member States for the purpose of the management of the interventions of the ESF+ and of the ERDF and wherever necessary with their managing authorities and with the managing authorities of other Union funds contributing to the integration of third-country nationals.

~~(1518)~~ The implementation of the Fund in this area should be consistent with the Union's common basic principles on integration, as specified in the common programme for integration.

~~(1619)~~ It is appropriate to allow those Member States that so wish to provide in their programmes that integration actions may include immediate relatives of third-country nationals, **thus supporting family unity**, to the extent that this is necessary for the effective implementation of such actions. The term 'immediate relative' should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action, and who would otherwise not be covered by the scope of the Fund.

- (1720) Considering the crucial role played by ~~local and regional~~ **Member States'** authorities and civil society organisations in the field of integration and to facilitate the access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by ~~local and~~ **national**, regional **and local** authorities or civil society organisations, including through the use of the thematic facility and through a higher co-financing rate for these actions. ***In that regard, a minimum of 5 % of the initial allocation to the thematic facility should target local and regional authorities implementing integration measures.***
- (21) ***In addition to the co-financing rate provided by the Fund for projects, Member States are encouraged to provide funding from the budget of national public authorities where such funding is essential for a project to be carried out, particularly when the project is implemented by a civil society organisation.***
- (1822) Considering the long-term economic and demographic challenges faced by the Union ***and the increasingly globalised nature of migration***, it is crucial to establish well-functioning legal migration channels to the Union to maintain the Union as an attractive destination for ~~migrants and~~ ***regular migration, in accordance with Member States' economic and social needs, and to*** ensure the sustainability of welfare systems and growth of the Union economy, ***while protecting migrant workers from labour exploitation.***

(1923) The Fund should support Member States in setting up strategies ~~organising~~, **strengthening and developing** legal migration **policies**, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for legally staying third-country nationals, ~~including~~ **in particular** Union legal instruments **for legal migration**. The Fund should also support the exchange of information, best practices and cooperation between different departments of administration and levels of governance, and between Member States.

(2024) An efficient **and dignified** return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, **with an emphasis on voluntary returns**, in particular as set out in Directive 2008/115/EC of the European Parliament and of the Council<sup>43</sup>, and of an integrated and coordinated approach to return management. For sustainable return policies, the Fund should equally support related measures in third countries, such as ~~the~~ **to facilitate and guarantee safe and dignified return and readmission as well as sustainable** reintegration of returnees, **including cash or in-kind support**.

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<sup>43</sup> 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 nationals (OJ L 348, 24.12.2008, p. 98).



- (2125) Member States should give preference to voluntary return ***and ensure effective, safe and dignified returns***. In order to promote voluntary return, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance ~~should be envisaged for the voluntary return of persons~~ ***and initial reintegration support***. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.
- (2226) ~~Voluntary and enforced returns~~ ***While voluntary returns should take priority over forced returns, they*** are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees.
- (2327) Specific support measures for returnees, ***with a particular attention to their humanitarian and protection needs***, in the Member States and in the countries of return can improve conditions of return and enhance their reintegration. ***Particular attention should be paid to vulnerable persons.***

~~(2428) Readmission agreements and other arrangements are~~**Effective readmission of illegally staying third-country nationals by third countries is** an integral component of the Union return policy and a central tool for the efficient management of migration flows, as ~~they facilitate~~**it facilitates** the swift return of irregular migrants. ~~Those agreements and arrangements are~~**Readmission cooperation is** an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and ~~their~~**its** implementation in third countries should be supported in the interests of effective return policies at national and Union level.

~~(2529) In addition to supporting the return of persons as provided for in this Regulation, the Fund should also support other measures to counter irregular migration, address incentives for illegal migration or the circumventing of existing~~**and trafficking of migrants, and to encourage compliance with** legal migration rules, thereby safeguarding the integrity of Member States' immigration systems.

(2630) The employment of irregular migrants ~~creates a pull factor for illegal migration and~~ undermines the development of a labour mobility policy built on legal migration schemes ***and endangers the rights of migrant workers, making them vulnerable to rights violations and abuse***. The Fund should therefore support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council<sup>54</sup> which prohibits the employment of illegally staying third-country nationals and provides for sanctions against employers who infringe that prohibition.

(2731) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2011/36/EU of the European Parliament and of the Council<sup>65</sup> which sets forth provisions on assistance, support and protection of victims of trafficking in human beings. ***These measures should take into account the gender-specific nature of trafficking in human beings and child victims, including measures for their early identification and their referral to specialised services.***

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<sup>54</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

<sup>65</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

- (2832) The Fund should complement and reinforce the activities undertaken in the field of return by the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council<sup>76</sup>, ~~therefore contributing to effective European Integrated Border Management, as defined in Article 4 of that Regulation~~ ***without providing an additional funding stream to the European Border and Coast Guard Agency.***
- (2933) Synergies, consistency and efficiency should be sought with other Union funds and overlap between actions should be avoided.
- (34) ***In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the Fund and other Union programmes, including those under shared-management. To maximise those synergies, key enabling mechanisms should be ensured, including cumulative funding in an action from the Fund and another Union programme, as long as such cumulative funding does not exceed the total eligible costs of the action. For that purpose, this Regulation should set out appropriate rules, in particular on the possibility to declare the same cost or expenditure on a pro-rata basis to the Fund and another Union programme.***

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<sup>76</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

(3035) Measures in and in relation to third countries supported through the Fund should complement ***be carried out in synergy and coherence with*** other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy in respect of ***the principle of policy coherence for development and consistency with the strategic programming documents for*** the country or region in question and the Union's international commitments. In relation to the external dimension, ***the actions supported by the Fund should focus on non-development-oriented measures and serve the interest of the Unions' internal policies and be consistent with activities undertaken inside the Union. The*** Fund should target support to enhance cooperation with third countries and to reinforce key aspects of migration management in areas of interest to the Union's migration policy.

(3136) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action undertaken by Member States alone. Financial support provided under this Regulation should contribute, in particular, to strengthening national and Union capabilities in the areas of asylum and migration ***in accordance with Article 80 TFEU.***

- (37) *When promoting the actions supported by this Fund, the recipients of Union funding should provide information in the languages relevant to the target audience. To ensure the visibility of Union funding, recipients of that funding should refer to its origin when communicating on the action. To this end, recipients should ensure that all communications to the media and the public, display the Union emblem, and explicitly mention the Union's financial support.*
- (38) *It should be possible for the Commission to use financial resources under this Fund to promote best practices and exchange information as regards to the implementation of the Fund.*
- (39) *The Commission should publish information on the support provided from the thematic facility under direct or indirect management in a timely manner and update this information where appropriate. It should be possible to sort the data by specific objective, name of beneficiary, the amount legally committed and the nature and purpose of the measure.*
- (3240) A Member State may be deemed not to be compliant with the relevant Union *acquis*, including as regards the use of operating support under this Fund, if it has failed to fulfil its obligations under the Treaties in the area of asylum and return, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the *acquis* on asylum and return or if an evaluation report under the Schengen or the European Union Agency for Asylum evaluation and monitoring mechanism has identified deficiencies in the relevant area.

- (341) The Fund should ~~reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring~~**ensure** a fair and transparent distribution of resources to meet the ~~policy and specific~~ objectives laid down in this Regulation. In order to meet transparency requirements, **the Commission should** publish information on the annual and multiannual programmes of the thematic facility. **In line with Article 44(1) of Regulation (EU) No .../... [CPR],** Member States should **ensure that within six months of the programme's approval, there is a website where information on the programme under its responsibility is available, covering the programme's objectives, activities, available funding opportunities and achievements.**
- (342) This Regulation should establish the initial amounts to Member States consisting of a fixed amount and an amount calculated on the basis of criteria laid down in Annex I, which reflect the needs and pressure experienced by different Member States in the areas of asylum, ***migration, integration and return. In view of the special needs of those Member States who have experienced the highest number of asylum applications per capita in 2018 and 2019, it is appropriate to increase the fixed amounts for Cyprus, Malta and Greece.***
- (343) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in migration flows and to address needs in the management of asylum and reception systems and integration of legally staying third-country nationals, ***to develop legal migration*** and counter irregular migration through ~~efficient~~**effective, safe and sustainable** ~~dignified~~ return ~~policy~~, an additional amount should be allocated to the Member States at mid-term taking into account ~~the absorption rates~~**objective criteria**. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

(3644) To contribute to the achievement of the policy objective of the Fund, Member States should ensure that their programmes include actions addressing the specific objectives of this Regulation, **and** that the priorities chosen are in line with the implementation measures as set out in Annex II and that the allocation of resources between the objectives ensures that the overall policy objective can be met. ***To that end, Member States should, in principle, ensure a minimum allocation for strengthening and developing of the Common European Asylum System, for strengthening and developing legal migration to the Member States, in accordance with their economic and social needs, and for promoting and contributing to the effective integration and social inclusion of third country nationals.***

(3745) As challenges in the area of migration are constantly evolving, there is a need to adapt the allocation of funding to the changes in migration flows. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions, ***actions of local and regional authorities***, emergency assistance, resettlement and ***humanitarian admission and*** to provide additional support for Member States contributing to solidarity and responsibility efforts via a thematic facility. ***The thematic facility offers flexibility in the management of the Fund and may also be implemented through Member States' programmes.***



- (3846) Member States should be encouraged to use part of their programme allocation to fund the actions listed in Annex IV by benefiting from a higher Union contribution.
- (3947) Part of the available resources under the Fund could also be allocated to Member States' programmes for the implementation of specific actions in addition to the initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States.
- (4048) The Fund should contribute to supporting operating costs related to ~~asylum and return~~ **the specific objectives of the Fund** and enable Member States to maintain capabilities which are crucial for that service for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.
- (4149) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.

- (4250) In order to strengthen the Union's capacity to immediately address ~~unforeseen or disproportionate heavy~~**exceptional** migratory ~~pressure~~**situations** in one or more Member States characterised by a large or disproportionate inflow of third-country nationals, which places significant and urgent demands on their reception and detention facilities, **and on their** asylum and migration management systems and procedures, ~~or heavy~~**exceptional** migratory ~~pressure~~**situations** in third countries due to political developments or conflicts, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.
- (4351) This Regulation should ensure the continuation of the European Migration Network set up by Council Decision 2008/381/EC<sup>87</sup> and should provide financial assistance in accordance with its objectives and tasks.
- (4452) The policy objective of this Fund will be also addressed through financial instruments and budgetary guarantee under the policy windows of the InvestEU. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the Internal market. Actions should have a clear European added value.

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<sup>87</sup> 2008/381/EC: Council Decision of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p. 7).

(53) *Blending operations have a voluntary nature and are operations supported by the Union budget combining repayable and/or non-repayable forms of support from the Union budget with repayable forms of support from promotional/ development or other public finance institutions, as well as from commercial finance institutions and investors.*

(4554) This Regulation lays down a financial envelope for the entire ~~Asylum and Migration Fund~~ which is to constitute the prime reference amount, within the meaning of ~~[reference to be updated as appropriate according to the new inter-institutional agreement: point 17]~~**point 18** of the Interinstitutional Agreement of ~~216~~ December ~~2013~~**2020** between the European Parliament, the Council *of the European Union* and the *European* Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>9</sup>8, for the European Parliament and the Council during the annual budgetary procedure.

(4655) Regulation (EU, *Euratom*) No ~~.../...~~~~[Financial Regulation]~~**2018/1046** applies to this Fund. ~~It~~**The Financial Regulation** lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation~~management~~, financial assistance, financial instruments and budgetary guarantees.

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<sup>9</sup> ~~OJ C 373, 20.12.2013, p. 1;   
 [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2013.373.01.0001.01.ENG&toc=OJ.C:2013:373:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ.C:2013:373:TOC)~~

<sup>8</sup> **OJ L 433I, 22.12.2020, p. 28.;**

- (4756) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, ~~Financial~~ Regulation (**EU, Euratom**) 2018/1046 and Regulation (EU) .../2021 [Common Provisions Regulation].
- (4857) Regulation (EU) .../2021 [Common Provisions Regulation] establishes the framework for action for ERDF, ESF+, the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum~~and~~, Migration **and Integration** Fund (~~AME~~**AMIF**), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) as a part of the Integrated Border Management Fund (IBMF), and lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for Union funds implemented under shared management. It is therefore necessary to specify the objectives of ~~AME~~**AMIF**, and to lay down specific provisions concerning the type of activities that may be financed by ~~AME~~**AMIF**.
- (58) *A pre-financing scheme for the Fund is set out in Article 84 of Regulation EU.../....[CPR] with a specific pre-financing rate set out in this Regulation. In addition, in order to ensure a prompt reaction to an emergency situation, it is appropriate to set up a specific pre-financing rate for emergency assistance. The pre-financing scheme should ensure that a Member State has the means to provide support to beneficiaries from the start of the implementation of the programme.*

(4959) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation- **(EU, Euratom) 2018/1046**.

**(60) *In order to make the most use of the single audit principle, it is appropriate to set up specific rules on the control and audit of projects where international organisations whose internal control systems have been positively assessed by the Commission are the beneficiaries. For those projects, managing authorities should have the possibility to limit their management verifications provided that the beneficiary delivers all necessary data and information on the progress of the project and the eligibility of underlying expenditure in a timely manner. In addition, where a project implemented by such an international organisation is part of an audit sample, it should be possible for the audit authority to carry out its work in line with the principles of the International Standard on Related Services (ISRS) 4400, ‘Engagements to Perform Agreed-upon Procedures Regarding Financial Information.***

(5061) In accordance with the Financial Regulation<sup>+0</sup>, **(EU, Euratom) 2018/1046**, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>+9</sup>, Council Regulation (Euratom, EC) No 2988/95<sup>+10</sup>, Council Regulation (Euratom, EC) No 2185/96<sup>+11</sup> and Council Regulation (EU) 2017/1939<sup>+12</sup>, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities ~~and~~**including** fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out ~~administrative~~ investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with **Council** Regulation (EU) 2017/1939, the European Public Prosecutor's Office ("**the EPPO**") may investigate and prosecute ~~fraud and other illegal activities affecting the~~**offences against the Union's** financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European

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<sup>+0</sup> — OJ C , , p. .

<sup>+1</sup> — OJ C , , **Regulation (EU, Euratom ) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).**

<sup>+10</sup> Council Regulation (**EC**, Euratom, ~~EC~~) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.95, p. 1).

<sup>+11</sup> — OJ C , , **Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).**

<sup>+12</sup> Council Regulation (EU) 2017/~~1371~~**1939** of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

Parliament and of the Council<sup>1513</sup>. In accordance with the Financial Regulation, **(EU, Euratom) 2018/1046**, any person or entity receiving Union funds is to **fully** cooperate fully in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, **the EPPO, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939**, and the European Court of Auditors **(ECA)** and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. **Member States should cooperate fully and provide all necessary assistance to Union institutions, agencies and bodies in the protection of the Union's financial interests.**

- (62) ***Third countries which have concluded an agreement with the Union on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in the third country concerned, should be allowed to participate in the Fund provided certain conditions are fulfilled.***

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<sup>1513</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

(5163) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. ~~These~~**Those** rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes **and** indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 of the TFEU also ~~concern~~**include a general regime of conditionality for** the protection of the Union's budget ~~in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.~~

(5264) Pursuant to Article 94 of Council Decision 2013/755/EU<sup>1614</sup>, persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of the Fund and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.

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<sup>1614</sup> Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).



(~~53~~**65**) Pursuant to Article 349 of the TFEU and in line with the Commission Communication 'A stronger and renewed strategic partnership with the EU's outermost regions'<sup>1715</sup>, endorsed by the Council in its conclusion of 12 April 2018, relevant Member States should ensure that their national strategies and programmes address the specific challenges the outermost regions face in managing migration. The Fund supports these Member States with adequate resources to help these regions manage migration sustainably and handle possible situations of pressure.

(~~54~~**66**) Pursuant to paragraph 22 and 23 of the Inter-institutional ~~agreement of 13 April 2016~~ for Better Law-Making ~~of 13 April 2016, there is a need to evaluate this Fund~~ ***should be evaluated*** on the basis of information collected ~~through~~ ***in accordance with*** specific monitoring requirements, while avoiding ~~overregulation and~~ ***an*** administrative burden, in particular on Member States. ~~These~~ ***Those*** requirements, where appropriate, ~~can~~ ***should*** include measurable indicators; as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, ~~common~~ indicators and related targets should be established in relation to each specific objective of the Fund. ***Those indicators should include qualitative and quantitative indicators.***

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<sup>1715</sup> COM(2017)623 final.

- (67) Through these ~~common~~ indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund, in accordance with the relevant provisions of Regulation (EU) .../2021 of the European Parliament and of the Council [Common Provisions Regulation] and this Regulation. ***Starting from 2023, Member States should submit to the Commission annual performance reports covering the latest accounting year. The reports should contain information on the progress made in the implementation of programmes. The Commission should translate the summaries of the annual performance reports, submitted by the Member States, into all official languages and make them publicly available on its website, together with the links to the Member States' websites referred to in Art. 44(1) of Regulation (EU) .../2021 of the European Parliament and of the Council [Common Provisions Regulation].***
- (5568) Reflecting the importance of tackling climate change in ~~line~~***accordance*** with the Union's commitments to implement the Paris Agreement and ~~its commitment to~~ the United Nations Sustainable Development Goals, ***the actions under this Fund will*** Regulation should contribute to ~~mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.~~ ***the achievement of a 30 % target all MFF expenditure being spent on mainstreaming climate objectives and to working towards the ambition of 7.5 % of the Budget reflecting biodiversity expenditure in 2024 and 10 % in 2026 and 2027 while considering the existing overlaps between climate and biodiversity goals. The Fund should support activities that respect the climate and environmental standards and priorities of the Union and would do no significant harm to the environmental objectives within the meaning of Article 17 of Regulation (EU) No 2020/852.***

**(69) Regulation (EU) No 514/2014 or any act applicable to the 2014–2020 programming period should continue to apply to programmes and projects supported by the Fund under the 2014–2020 programming period. Since the implementation period of Regulation (EU) No 514/2014 overlaps with the programming period covered by this Regulation and in order to ensure continuity of implementation of certain projects approved by that Regulation, phasing provisions should be laid down. Each individual phase of the phased project should be implemented in accordance with the rules of the programming period under which it receives funding.**

**(5670)** In order to supplement and amend ~~certain~~ non-essential elements ~~of~~<sup>in</sup> this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ~~TFEU~~ should be delegated to the Commission in respect of the list of actions eligible for **support under Annex III; the list of actions eligible for** higher co-financing ~~as listed in~~<sup>under</sup> Annex IV<sup>;</sup> operating support **under Annex VII** and ~~in order~~<sup>acts</sup> to **further** develop ~~further the common~~ monitoring and evaluation framework. It is of particular importance that the Commission ~~carry~~<sup>carries</sup> out appropriate consultations during its preparatory work, including at expert level, and that ~~these~~<sup>those</sup> consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.

(~~57~~**71**) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred ~~on~~**to** the Commission. ~~These~~**Those** powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1816</sup>. The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the *detailed* arrangements for providing information to the Commission in the framework of programming and reporting, given their purely technical nature. *Furthermore, given the nature and purpose of emergency assistance provided for by this Regulation, it is appropriate to provide for the use of immediately applicable implementing acts on duly justified imperative grounds of urgency in accordance with Article 8 of Regulation 182/2011 for the adoption of decisions to award such assistance.*

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<sup>1816</sup> 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 *the* Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(5872) Since the objective ~~objectives~~ of this Regulation, namely to contribute to an effective management of migration flows in the Union, in accordance with the common policy on asylum and international protection and the common immigration policy, *outlined in Article 3*, cannot be sufficiently achieved by the Member States acting alone and can be better achieved at Union level, ~~the Union may adopt measures~~ *this Regulation is adopted*, in accordance with the principle ~~principles~~ of subsidiarity *and proportionality* 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 and~~ does not go beyond what is necessary in order to achieve ~~that objective~~ *those objectives*.

(5973) In accordance with ~~Article 3~~ *Articles 1 and 2* of the Protocol *No 21* 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 {is not taking part in the adoption of this Regulation and is not bound by it or subject to its application / ~~has notified its wish to take part in the adoption and application of this Regulation~~}.

(6074) 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.

(75) *In accordance with Article 193(2) of Regulation (EU, Euratom) No 2018/1046, a grant may be awarded for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not eligible, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to the Union's interests, it should be possible, for a limited period of time at the beginning of the multi-annual financial framework 2021-2027, that costs incurred in respect of actions supported under this Regulation under direct management and which have already started, be considered eligible as of 1 January 2021, even if they were incurred before the grant application or the request for assistance was submitted.*

(6176) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) .../2021 [Multiannual Financial Framework Regulation], *In order to ensure continuity in providing support in the relevant policy area and to allow implementation to start from the beginning of the multi-annual financial framework 2021-2027, this Regulation should enter into force as a matter of urgency and should apply from 1 January 2021.*

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

##### **Subject matter**

1. This Regulation establishes the Asylum~~and~~, Migration *and Integration* Fund ('the Fund') *for the period from 1 January 2021 to 31 December 2027.*
2. This Regulation lays down the objectives of the Fund, the budget for the period from 2021 to 2027, the forms of Union funding and the rules for providing such funding.

## Article 2

### Definitions

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

- (a) 'applicant for international protection' means an applicant as defined in point ~~{x}~~(c) of Article 2 of ~~Regulation (EU) ... [Asylum Procedure Regulation]~~<sup>19</sup> **Directive 2013/32/EU**;
- (b) 'beneficiary of international protection' within the meaning of point (2b) of Article ~~{2}~~ of ~~Regulation (EU) ... [Qualification Regulation]~~<sup>20</sup> **Directive 2011/95/EU**;
- (c) 'blending operation' means actions supported by the Union budget, including within blending facilities ~~as defined in point (6) of~~ **pursuant to** Article 2(6) of the ~~Financial Regulation, combining non-repayable forms of support or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors~~ **Regulation (EU, Euratom) 2018/1046**;

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<sup>19</sup> ~~OJ C , , p. .~~

<sup>20</sup> ~~OJ C , , p. .~~



- (d) 'family member' means any third-country national as defined under the Union law relevant to the policy area of action supported under the Fund;
- (e) 'humanitarian admission' ~~within the meaning of Article [2] of Regulation (EU) .../...~~  
~~[Union Resettlement [and Humanitarian Admission] Framework]~~<sup>21</sup>; ***means the admission following, where requested by a Member State, a referral from the European Asylum Support Office, the UNHCR, or another relevant international body, of third-country nationals or stateless persons, from a third country to which they have been forcibly displaced, to the territory of the Member States and who are granted international protection or a humanitarian status under national law that provides for rights and obligations equivalent to those of Articles 20 to 34 of Directive 2011/95/EU for beneficiaries of subsidiary protection;***
- (f) 'removal' means 'removal' as defined in point (5) of Article 3 of Directive 2008/115/EC;
- (g) 'resettlement' means ~~'resettlement' as defined in Article [2] of Regulation (EU) .../...~~  
~~[Union Resettlement [and Humanitarian Admission] Framework]~~; ***the admission, following a referral from the United Nations High Commissioner for Refugees ('UNHCR'), of third-country nationals or stateless persons from a third country to which they have been displaced, to the territory of the Member States, and who are granted international protection and have access to a durable solution in accordance with Union and national law;***

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<sup>21</sup> — OJ C , , p. .

- (h) 'return' means 'return' as defined in point (3) of Article 3 of Directive 2008/115/EC;
- (i) 'third-country national' means any person who is not a citizen of the Union as defined in Article 20(1) of the TFEU. Reference to third-country nationals shall be understood to include stateless persons and persons with undetermined nationality;
- (j) ***'unaccompanied minor' means an unaccompanied minor as defined in point (l) of Article 2 of Directive 2011/95/EU.***
- (k) 'vulnerable person' means any person as defined under the Union law relevant to the policy area of action supported under the Fund;

### *Article 3*

#### **Objectives of the Fund**

1. The policy objective of the Fund shall be to contribute to ~~an~~**the** efficient management of migration flows ***and to the implementation, strengthening and development of the common policy on asylum, and the common immigration policy,*** in line with the relevant Union *acquis* and ~~in compliance with the Union's commitments on fundamental rights~~***fully respecting the international obligations of the Union and the Member States arising from international instruments to which they are parties.***

2. Within the policy objective set out in paragraph 1, the Fund shall contribute to the following specific objectives:
- (a) to strengthen and develop all aspects of the Common European Asylum System, including its external dimension;
  - (b) to ~~support~~**strengthen and develop** legal migration to the Member States ~~including~~  
~~to~~**in accordance with their economic and social needs, and to promote and** contribute to the **effective** integration **and social inclusion** of third-country nationals;
  - (c) to contribute to countering irregular migration ~~and ensuring effectiveness of,~~  
**enhancing effective, safe and dignified** return and readmission, **as well as to**  
**contribute to and to promote effective initial reintegration** in third countries;
  - (d) **to enhance solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration and asylum challenges, including through practical cooperation.**
3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented through the implementation measures listed in Annex II.

## Article 4

### Partnership

*For this Fund, partnerships shall, pursuant to point (c) of Article 6(1) of [the CPR], include regional, local, urban and other public authorities or their representative associations, relevant international organisations, non-governmental organisations, such as refugee and migrant-led organisations, national human rights institutions and equality bodies, and economic and social partners.*

## Article 5

### Scope of support

1. Within the objectives referred to in Article 3, and in line with the implementation measures listed in Annex II, the Fund shall in particular support the actions listed in Annex III.

*To address unforeseen or new circumstances, the Commission shall be empowered to adopt delegated acts in accordance with Article 37 to amend the list of actions in Annex III, in order to add new actions.*

2. To achieve the objectives of this Regulation, the Fund may support the actions in line with the Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with ~~Article 5~~ **Articles 7 and 6 or 23, as applicable.**

3. *As regards actions in and in relation to third countries, the Commission and the Member States, together with the European External Action Service shall, in accordance with their respective responsibilities, ensure coordination with relevant Union policies, strategies and instruments. They shall, in particular, ensure that actions in and in relation to third countries:*
- (a) are carried out in synergy and in coherence with other actions outside the Union supported through Union instruments;*
  - (b) are coherent with the Union's external policy, respect the principle of policy coherence for development and are consistent with the strategic programming documents for the region or country in question;*
  - (c) focus on non-development-oriented measures; and*
  - (d) serve the interests of the Union's internal policies and are consistent with activities undertaken inside the Union.*
4. The objectives of this Regulation shall support actions focusing on one or more target groups within the scope of Articles 78 and 79 of the Treaty on the Functioning of the European Union.

## Article 56

### *Gender equality and non-discrimination*

1. *The Member States and the Commission shall ensure the integration of the gender perspective and that gender equality and gender mainstreaming are taken into account and promoted throughout the preparation, implementation, monitoring, reporting and evaluation of programmes and projects.*
2. *The Member States and the Commission shall take appropriate steps to exclude any form of discrimination prohibited by Article 21 of the Charter of Fundamental Rights of the European Union during the preparation, implementation, monitoring, reporting and evaluation of programmes and projects.*

## Article 7

### **Third countries associated to the Fund**

1. The Fund shall be open to third countries *that fulfil the criteria listed in paragraph 2 and* in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the Asylum and Migration Fund, ~~provided that the agreement:~~ **Fund.**

2. *In order for a third country to be eligible to be associated to the Fund as referred to in paragraph 1, it shall be a third country that has concluded with the Union an agreement on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in the third country concerned.*
3. *The specific agreement covering the participation of the third country to the Fund, shall as a minimum:*
- (a) enable cooperation with the Member States and the Union Institutions, bodies, offices and agencies in the area of asylum, migration and return in the spirit of the principles of solidarity and fair sharing of responsibility;*
  - (b) be underpinned, throughout the duration of the Fund, by the principles of non-refoulement, democracy, the rule of law and respect for human rights;*
  - (c) ensures a fair balance as regards the contributions and benefits of the third country participating in the Fund;*
  - (d) lays down the conditions of participation in the Fund, including the calculation of financial contributions to the Fund and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation (EU, Euratom) 2018/1046;*

- (e) ~~does not confer to~~ ***specify that*** the third country ~~is not conferred any~~ decisional power ~~on~~**over** the Fund;
- (f) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests-;
- g) ***provide that the third country grants the necessary rights and access required for the authorising officer responsible, OLAF and the European Court of Auditors in accordance with Article 8.***

#### *Article 6*

#### **Eligible entities**

~~1. The following entities may be eligible:~~

(a) ~~legal entities established in any of the following countries:~~

(1) ~~a Member State or an overseas country or territory linked to it;~~

(2) ~~third country associated to the Fund;~~

(3) ~~third country listed in the work programme under the conditions specified therein;~~

(b) ~~any legal entity created under Union law or any international organisation.~~

~~2. Natural persons are not eligible.~~



- ~~3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.~~
- ~~4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states or in third countries are eligible.~~

## Article 8

### Protection of the financial interests of the Union

*Where a third country participates in the Fund by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the European Court of Auditors to comprehensively exert their respective competences. In the case of the OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013<sup>17</sup>.*

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<sup>17</sup> *Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF).*

## CHAPTER II

### FINANCIAL AND IMPLEMENTATION FRAMEWORK

#### SECTION 1

#### COMMON PROVISIONS

##### *Article 79*

##### **General principles**

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on ~~adding~~**bringing Union added** value to the objectives of this Regulation.
2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant ~~activities~~**actions**, policies and priorities of the Union, and is complementary to other Union instruments ***in particular the external instruments, the European Social Fund Plus and the European Regional Development Fund.***
3. The Fund shall be implemented in shared, direct or indirect management in accordance with Articles ~~{62(1) (a), (b) and (c)}~~ of the Financial Regulation ~~–(EU, Euratom)~~  
**2018/1046.**

## Article 810

### Budget

1. The financial envelope for the implementation of the Fund for the 2021-2027 period shall be EUR ~~40 415 982~~ 000 000 in current prices.
2. The financial resources shall be used as follows:
  - (a) EUR ~~6 249 270~~ 000 000 shall be allocated to the programmes implemented under shared management;
  - (b) EUR ~~4 166 361~~ 2 000 000 shall be allocated to the thematic facility.
3. Up to 0.42 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission ~~as referred to in Article 29 of the Regulation EU .../...~~ ~~[Common Provisions Regulation]~~.
4. ***In accordance with Article 21 of Regulation (EU) .../... [CPR], up to 5% in total of the initial national allocation from any of the funds of the Common Provisions Regulation under shared management may, at the request of Member States, be transferred to the Fund under direct or indirect management. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Those resources shall be used for the benefit of the Member State concerned.***

**General provisions on the implementation of the thematic facility**

1. The financial envelope referred to in Article 810(2)(b) shall be allocated flexibly through the thematic facility using shared, direct and indirect management as set out in work programmes. ***Given the internal nature of the Fund, the thematic facility shall primarily serve internal Union policy in line with the specific objectives in Article 3(2).*** Funding from the thematic facility shall be used for its components:
  - a) specific actions;
  - b) Union actions;
  - c) emergency assistance;
  - d) resettlement ***and humanitarian admission***;
  - e) support to Member States ~~contributing to~~ ***for the transfer of applicants for international protection or beneficiaries of international protection as part of solidarity and responsibility efforts***; and
  - f) European Migration Network.

Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities as outlined in Annex II. *That funding, with the exception of funding used for emergency assistance in accordance with Article 31 (1)(a) and (b), shall only support the eligible actions in Annex III, including resettlement and humanitarian admission in accordance with Article 19 as part of the external dimension of the Union's migration policy.*
3. *The Commission shall engage with civil society organisations and relevant networks, notably in view of preparing and evaluating the work programmes for Union Actions financed through the Fund.*
4. *A minimum of 20 % of the resources from the initial allocation to the thematic facility shall be allocated to the specific objective referred to in Article 3(2)(d).*
5. When funding from the thematic facility is granted in direct or indirect management to Member States, ~~it shall be ensured that selected projects are not affected by a reasoned opinion by the Commission in respect of an infringement~~ *proceedings* under Article 258 of the TFEU that ~~puts~~ *put* at risk the legality and regularity of expenditure or the performance of *those* projects *shall not be selected*.

~~46.~~ ~~For the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR],~~  
~~When when~~ funding from the thematic facility is implemented in shared management, the  
~~Member State shall ensure that, and the~~ Commission shall, ~~for the purposes of Articles 18~~  
~~and 19(2) of Regulation EU .../... [Common Provisions Regulation],~~ assess whether, the  
foreseen actions are not affected by a reasoned opinion by the Commission in respect of an  
infringement under Article 258 of the TFEU that puts at risk the legality and regularity of  
expenditure or the performance of the ~~projects~~ **actions**.

~~5.7.~~ The Commission shall establish the overall amount made available for the thematic facility  
under the annual appropriations of the Union budget. The Commission shall **by means of**  
**implementing acts** adopt financing decisions as referred to in Article [110] of the ~~Financial~~  
Regulation **(EU, Euratom) 2018/1046** for the thematic facility identifying objectives and  
actions to be supported and specifying the amounts for each of its components as referred  
to in paragraph 1. Financing decisions shall set out, where applicable, the overall amount  
reserved for blending operations. **Those implementing acts shall be adopted in**  
**accordance with the examination procedure referred to in Article 38(3).**

- ~~6.8.~~ The thematic facility shall in particular, support actions falling under the implementation measure 2(~~bd~~) of Annex II that are implemented by the ~~local and~~ **national**, regional **and local** authorities or civil society organisations. ***In that regard, a minimum of 5 % of the initial allocation to the thematic facility shall target local and regional authorities implementing integration measures.***
9. ***The Commission shall ensure a fair and transparent distribution of resources among the objectives referred to in Article 3(2). The Commission shall report on the use and the distribution of the thematic facility between its components, including on the support provided to the actions in or in relation to third countries under the Union Actions.***
- ~~7.10.~~ Following the adoption of a financing decision as referred to in paragraph ~~5~~7, the Commission may amend the programmes implemented under shared management accordingly.
- ~~8.11.~~ These financing decisions may be annual or multiannual and may cover one or more components of the thematic facility.

## SECTION 2

### SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT

#### *Article ~~10~~12*

##### **Scope**

1. This section applies to the part of the financial envelope referred to in Article ~~8~~**10**(2)(a), and additional resources to be implemented under shared management according to the Commission decision for the thematic facility referred to in Article ~~9~~**11**.
2. Support under this section shall be implemented under shared management in accordance with Article {63} of the ~~Financial~~ Regulation (*EU, Euratom*) **2018/1046** and the Regulation (EU ~~...~~ ~~[Common Provisions Regulation]~~ **No .../... [CPR]**).

#### *Article ~~11~~13*

##### **Budgetary resources**

1. Resources referred to in Article ~~8~~**10**(2)(a) shall be allocated to the ~~national~~ programmes (the 'programmes') implemented by Member States under shared management indicatively as follows:
  - (a) EUR ~~5 207 500 000~~**225 000 000** to the Member States in accordance with Annex I;
  - (b) EUR ~~1 041 500 000~~**045 000 000** to the Member States for the adjustment of the allocations for the programmes as referred to in Article ~~14~~**17**(1).
2. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article ~~8~~**10**(2)(b).



***Pre-financing***

***In accordance with Article 84(3a) of Regulation EU.../...[CPR], the pre-financing for the Fund shall be paid in yearly instalments before 1 July of each year, subject to the availability of funds, as follows:***

- (a) 2021: 4 %***
- (b) 2022: 3 %***
- (c) 2023: 5%***
- (d) 2024: 5%***
- (e) 2025: 5%***
- (f) 2026: 5%***

***Where a programme is adopted after 1 July 2021, the earlier instalments shall be paid in the year of adoption.***

## Article 15

### Co-financing rates

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.
2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.
3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.
4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support.
5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.
6. *The contribution from the Union budget may be increased to 100% of the total eligible expenditure for technical assistance at the initiative of the Member States within the limits set out in Article 30(5)(b)(v) of the Regulation (EU) No [CPR].*
7. *The* Commission decision approving a programme shall set the co-financing rate and the maximum amount of support from this Fund for the types of actions referred to in paragraphs 1 to 5-6.
- ~~7-8.~~ For each ~~specific objective~~ *type of action*, the Commission decision *approving a programme* shall set out whether the co-financing rate for the ~~specific objective~~ *type of action* is to be applied to *either of the following*:
  - (a) the total contribution, including the public and private contributions;~~or~~
  - (b) the public contribution only.

### Programmes

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of *asylum and* migration management and are fully in line with the relevant Union *acquis* and agreed Union priorities, ***while fully respecting the international obligations of the Union and the Member States arising from international instruments to which they are party.*** In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed. ***Given the internal nature of the Fund, programmes shall primarily serve internal Union policy in line with the specific objectives in Article 3(2). The Commission shall assess the programmes in accordance with Article 18 of Regulation [XXXX/XX] [CPR].***
2. ***Within the resources allocated in Article 13(1), and without prejudice to paragraph 3 below, each Member State shall allocate in its programme:***
  - (a) ***a minimum of 15% of their allocated resources to the specific objective referred to in point (a) of paragraph 2 of Article 3; and***
  - (b) ***a minimum of 15% of their allocated resources to the specific objective referred to in point (b) of paragraph 2 of Article 3.***

3. *Member States may depart from the minimum percentages only where a detailed explanation is included in the programme as to why allocating resources below this level does not jeopardise the achievement of the objective.*
4. The Commission shall ensure that the *knowledge and expertise of the relevant decentralised agencies, in particular the* ~~European Union Agency for Asylum and Support Office,~~ the European Border and Coast Guard Agency ~~are associated to the process of developing the programmes at an early stage,~~ *and the EU Agency for Fundamental Rights, are taken into account* as regards the areas of their competence. ~~The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States in the development of the Member States' programmes at an early stage and in a timely manner.~~
- 3-5. The Commission may associate, *where appropriate, relevant decentralised agencies, including those referred to in paragraph 4, in* ~~the European Union Agency for Asylum and European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to~~ *specified* in Section 5 ~~where appropriate,~~ in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union *acquis* and agreed Union priorities..

~~4.6.~~ Further to ~~a monitoring exercise as carried out in accordance with Regulation (EU) [.../...]~~  
~~[EUA Regulation]~~ or the adoption of recommendations in accordance with Regulation  
(EU) No 1053/2013 which are within the scope of this Regulation, the Member State  
concerned shall examine, together with the Commission, ~~and where relevant with the~~  
~~European Union Agency for Asylum and the European Border and Coast Guard Agency,~~  
how to address the findings, ~~including any shortcomings or issues of capacity and~~  
~~preparedness, and shall implement the~~ **and** recommendations through its programme: **with**  
**the support of this Fund, where appropriate.**

*The Commission may, where relevant, also draw on the expertise of decentralised  
agencies on specific issues falling within those agencies' competencies.*

~~5.7.~~ Where necessary, the programme in question shall be amended to take into account the  
recommendations referred to in paragraph ~~4.6.~~ Depending on the impact of the adjustment,  
the revised programme may be approved by the Commission **in line with the procedures**  
**set out Article 19 of the [CPR regulation].**

~~6.8.~~ In cooperation and consultation with the Commission and the relevant agencies in  
accordance with their competence, as applicable, resources under the programme may be  
reallocated with the aim of addressing recommendations, as referred to in paragraph ~~46~~  
that have financial implications.

- ~~7.9.~~ Member States shall in particular pursue the actions eligible for higher co-financing as listed in Annex IV. In the event of unforeseen or new circumstances or in order to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article ~~323~~7 to amend the list of actions eligible for higher co-financing as listed in Annex IV.
- 10. *Member States' programmes may allow for the inclusion of immediate relatives of persons covered by the integration actions referred to in Annex III to the extent that it is necessary for the effective implementation of such actions.***
- ~~8.11.~~ Whenever a Member State decides to implement projects with or in a third country with the support of the Fund, the Member State concerned shall consult the Commission prior to the ~~start~~**approval** of the project.
- ~~9.12.~~ Programming as referred to in Article 17(5) of Regulation (EU) .../2021 [Common Provisions Regulation], shall be based on the types of intervention set out in Table 1 of Annex VI **and shall include an indicative breakdown of the programmed resources by type of intervention within each specific objective.**

**Mid-term review**

1. In 2024, the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 413(1)(b) in accordance with the criteria referred to in paragraphs 1(b) to 5 of Annex I. Funding shall be effective for the period as of the calendar year 2025.
2. If at least 10 % of the initial allocation of a programme referred to in Article 413(1)(a) has not been covered by payment applications submitted in accordance with Article [85] of Regulation (EU) .../2021 [Common Provisions Regulation], the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.
3. The allocation of the funds from the thematic facility as of 2025 shall, ~~where appropriate,~~ take into account the progress made in achieving milestones of the performance framework as referred to in Article [12] of Regulation (EU) .../2021 [Common Provisions Regulation] and identified implementation shortcomings.

*Article ~~15~~18*

**Specific actions**

1. Specific actions are transnational or national projects *bringing Union added value* in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.
2. Member States may in addition to their allocation calculated in accordance with Article ~~11~~13(1), receive an additional amount, provided that it is earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.
3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

*Article ~~16~~19*

**Resources for ~~the Union Resettlement [and Humanitarian Admission] Framework~~ and  
*humanitarian admission***

1. Member States shall receive, in addition to their allocation calculated in accordance with *point (a) of* Article ~~11~~13(1)(a), ~~a contribution~~, *an additional amount* of EUR 10 000 for each resettled person in accordance with the targeted Union *admitted through* resettlement scheme. ~~That contribution.~~



2. Member States shall ~~take the form of financing not linked~~, *in addition to ~~costs~~their allocation calculated* in accordance with *point (a) of Article 13(1), [125] of the Financial Regulation*. *receive an additional amount of EUR 6 000 for each person admitted through humanitarian admission.*
23. The ~~amount~~amounts referred to in paragraph ~~12~~ shall be increased to EUR 8 000 for each person, from the following vulnerable groups, who has been admitted through humanitarian admission:
- (a) *women and children at risk;*
  - (b) *unaccompanied minors;*
  - (c) *persons having medical needs that can be addressed only through humanitarian admission;*
  - (d) *persons in need of humanitarian admission for legal or physical protection needs, including victims of violence or torture.*
4. *Where a Member State admits a person belonging to more than one of the categories referred to in paragraphs 2 and 3, it shall receive the amount for that person for one category only.*
5. *Where appropriate, Member States may also be eligible for the respective amounts for family members of persons referred to in paragraphs 1, 2 and 3 if the persons are admitted to ensure family unity.*
6. *The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article 125 of Regulation (EU, Euratom) 2018/1046.*

7. *The additional amounts referred to in paragraphs 1, 2 and 3 of this Article shall be allocated to the Member States through the amendment of, for the first time in the individual financing decisions approving their programme. provided that the person in respect of whom the contribution is allocated was effectively resettled in accordance with the Union Resettlement [and Humanitarian Admission] Framework. 3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. The amounts referred to in paragraphs 1, 2 and 3 may be included in the payment applications to the Comission provided that the person in respect of whom the amount is allocated was effectively resettled or admitted.*
48. *For the purpose of control and audit, Member States shall keep the information necessary to allow the proper identification of the persons resettled persons or admitted and of the date of their resettlement or admission.*
9. *To take account of current inflation rates, relevant developments in the field of resettlement as well as factors which can optimise the use of the financial incentive brought by the amounts, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 37 to adjust, if deemed appropriate, the amounts referred to in paragraphs 1, 2 and 3 of this Article.*

**Resources to support the implementation of Regulation ~~../.~~ [Dublin Regulation] for the transfer of applicants for international protection or of beneficiaries of international protection**

1. A Member State shall receive, in addition to ~~their~~ **its** allocation calculated in accordance with *point (a) of Article ~~11~~ 13(1)(a)*, ~~a contribution~~, **an additional amount** of EUR [10 000] for each applicant for international protection for whom that *transferred from another* Member State becomes responsible ~~as from when that Member State is in challenging circumstances as defined in accordance with Article 17 of Regulation (EU) ~~../.~~ 604/2013/ [Dublin Regulation] or as a result of similar forms of relocation.~~
2. *Member States may also be eligible for the respective amounts for family members of persons referred to in paragraph 1, where appropriate, provided that those family members have been transferred to ensure family unity in accordance with Article 17 of Regulation (EU) 604/2013/ [Dublin Regulation], or as a result of similar forms of relocation.*
23. Member States shall receive, in addition to their allocation calculated in accordance with *point (a) of Article ~~11~~ 13(1)(a)*, ~~a contribution~~, **an additional amount** of EUR 10 000 for each applicant for **beneficiary of** international protection allocated to that *transferred from another* Member State ~~who is above the benefitting Member State's fair share.~~

- ~~3. A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per applicant who has been granted international protection for the implementation of integration measures.~~
- ~~4. A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per person for whom the Member State can establish on the basis of the updating of the data set referred to in Article 11(d) of Regulation (EU) ... [Eurodac Regulation] that the person has left the territory of the Member State, on either a compulsory or voluntarily basis in compliance with a return decision or a removal order.~~
- 4. *Where appropriate, Member States may also be eligible for the respective amounts for family members of persons referred to in paragraph 3 if the persons are transferred to ensure family unity.***
- ~~5. A Member State shall receive, in addition to its allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [500] for each applicant of international protection transferred from one Member State to another, for each applicant transferred pursuant to point (c) of the first paragraph of Article 34(i) of Regulation (EU) ... [Dublin Regulation] and, where applicable, for each applicant transferred pursuant to point (g) of Article 34 (j) of Regulation (EU) ... [Dublin Regulation].~~
- 5. *The Member State covering the cost of transfers referred to in paragraphs 1, 2, 3 and 4 shall receive a contribution of EUR 500 for each applicant of international protection or beneficiary of international protection transferred to another Member State.***
6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation: **(EU, Euratom) 2018/1046.**

7. The additional amounts referred to in paragraphs 1 to 5 *of this Article* shall be allocated to the Member States in their programmes provided that the person in respect of whom the ~~contribution~~**amount** is allocated was, as applicable, effectively transferred to a Member State, ~~effectively returned~~ or registered as an applicant in the Member State responsible in accordance with Regulation (EU) ~~no~~**604/2013** [Dublin Regulation].
8. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme
9. *For the purpose of control and audit, Member States shall keep the information necessary to allow the proper identification of the persons transferred and of the date of their transfer.*
10. *To take account of current inflation rates, relevant developments in the field of relocation as well as factors which can optimise the use of the financial incentive brought by the amounts, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 37 to adjust, if deemed appropriate, the amounts referred to in paragraphs 1, 3, and 5 of this Article.*

### Operating support

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union;
2. A Member State may use up to ~~10~~15% of the amount allocated under the Fund to its programme to finance operating support under objectives in Article 3(2)(a) and (e).
3. The Member States using operating support shall comply with the *relevant* Union *acquis* ~~on asylum and return~~ *and the Charter of Fundamental Rights of the European Union*.
4. Member States shall justify in the programme and in the annual performance report as referred to in Article ~~30~~35 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, ~~with the European Union Agency for Asylum and the European Border and Coast Guard Agency in line with Article 13,~~ assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out in accordance with ~~Regulation (EU) ... [EUAA Regulation]~~ and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.
5. Operating support shall be concentrated on ~~specific tasks and services~~ *eligible actions* as laid down in Annex VII.
6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article ~~32~~37 to amend the list of ~~specific tasks and services~~ *eligible actions* in Annex VII.

## Article 22

### *Management verifications and audits when an international organisation is a beneficiary*

1. *This Article applies to international organisations or their agencies as referred to in Article 62 (1) (c) (ii) of Regulation (EU, Euratom) No 2018/1046 whose systems, rules and procedures have been assessed ex ante as appropriate by the Commission pursuant to Article 154 (4) and (7) of that Regulation for the purpose of indirectly implementing grants financed from the Union budget, hereinafter referred to as ‘international organisations’.*
2. *Without prejudice to Article 77 (a) [CPR] and to Article 129 of Regulation (EU, Euratom) No 2018/1046, where the international organisation is a beneficiary, the managing authority is not required to carry out the management verifications referred to in Article 68 (1)(a) [CPR] provided that the international organisation submits to the managing authority the documents required by Article 155 (1) (a), (b) and (c) of Regulation (EU, Euratom) No 2018/1046.*

*Without prejudice to Article 155 (1) (c) of Regulation (EU, Euratom) No 2018/1046, the management declaration shall confirm that the project complies with applicable law and the conditions for support of the project.*

*In addition, where costs are to be reimbursed pursuant to Article 48(1)(a) [CPR], the management declaration shall confirm that:*

- (a) the verification of invoices and proof of their payment by the beneficiary has been carried out;*
- (b) verification of the accounting records or accounting codes maintained by the beneficiary for transactions linked to the expenditure declared to the managing authority has been carried out.*

*Where the costs are to be reimbursed pursuant to points (b), (c) and (d) of Article 48(1) [CPR], the management declaration shall confirm that the conditions for reimbursement of expenditure have been met.*

*The documents referred to in Article 155 (1) (a) and (c) of Regulation (EU, Euratom) No 2018/1046 shall be provided to the managing authority together with each payment claim submitted by the beneficiary.*

*The beneficiary shall submit to the managing authority annually and not later than 15 October the accounts accompanied by an opinion of an independent audit body, drawn up in accordance with internationally accepted audit standards. This opinion shall establish whether the control systems put in place function properly and are cost-effective, and whether the underlying transactions are legal and regular. The opinion shall also state whether the audit work puts in doubt the assertions made in the management declarations, including information on suspicion of fraud. It shall provide assurance on the expenditure included in the payment claims submitted by the international organisation to the managing authority.*



*Without prejudice to existing possibilities for carrying out further audits referred to in Article 127 of Regulation (EU, Euratom) No 2018/1046, the managing authority shall draw up the management declaration referred to in Article 68 (1)(f) [CPR] based on these documents, instead of relying on the management verifications referred to in Article 68 (1) [CPR].*

*The document setting out the conditions for support referred to in Article 67(4) [CPR] shall include the requirements set out in this Article.*

**3. Paragraph 2 shall not apply where:**

- a) the managing authority identifies a specific risk of irregularity or an indication of fraud with respect to a project initiated or implemented by the international organisation;*
- b) the international organisation fails to submit to the managing authority the documents listed in paragraph 2;*
- c) the documents listed in paragraph 2 and submitted by the international organisation are incomplete.*

**4. Where a project initiated or initiated and implemented by an international organisation is part of a sample referred to in Article 73 [CPR], the audit authority may perform its work based on a sub-sample of transactions within this project. Where errors are found in the sub-sample, the audit authority, if relevant, may request the auditor of the international organisation to assess the full scope and the total amount of errors.**

## SECTION 3

### SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT

*Article 4923*

#### *Eligible entities*

**1.     *The following entities are eligible:***

**(a)   *legal entities established in any of the following countries:***

**(i)    *a Member State or an overseas country or territory linked to it;***

**(ii)   *a third country associated to the Fund pursuant to a specific agreement  
under Article 7 and subject to being covered by the work programme and  
conditions therein;***

**(iii)   *a third country listed in the work programme, under the conditions specified  
in paragraph (3).***

**(b)    *any legal entity created under Union law or any international organisation  
relevant for the purposes of the Fund.***

2. *Natural persons are not eligible.*
3. *Entities referred to in paragraph (1)(a)(iii) above, shall participate as part of a consortium with at least two independent entities at least one of which is established in a Member State.*

*Those entities shall ensure that the actions in which they participate are in compliance with the principles enshrined in the Charter of Fundamental Rights of the European Union and contribute to the achievement of the objectives of the Fund as laid down in Article 3 of this Regulation.*

## **Article 24**

### **Scope**

Support under this section-Union shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of the Financial Regulation, **(EU, Euratom) 2018/1046**, or indirectly in accordance with point (c) of that Article.

### Union actions

1. Union actions are transnational projects or projects of particular interest to the Union implemented in line with the objectives of this Regulation.
2. At the Commission's initiative, the Fund may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annex III.
3. Union actions may provide funding in any of the forms laid down in the Financial Regulation **(EU, Euratom) 2018/1046** in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.
4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation: **(EU, Euratom) 2018/1046**.
5. The evaluation committee assessing the proposals may be composed of external experts.
6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation: **(EU, Euratom) 2018/1046**. The provisions laid down in [Article X of] Regulation (EU) ../.. [successor of the Regulation on the Guarantee Fund] shall apply.

### European Migration Network

1. The Fund shall support the European Migration Network and provide the financial assistance necessary for its activities and its future development.
2. 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 by the Commission, after approval by the Steering Board in accordance with Article 4(5)(a) of Decision 2008/381/EC (as amended). The decision of the Commission shall constitute a financing decision pursuant to Article [110] of ~~the Financial Regulation-~~ **(EU, Euratom) 2018/1046**. To ensure the timely availability of resources, the Commission may adopt the work programme for the European Migration Network in a separate financing decision.
3. Financial assistance provided for the activities of the European Migration Network shall take the form of grants to the national contact points referred to in Article 3 of Decision 2008/381/EC and procurements as appropriate, in accordance with ~~the Financial Regulation-~~ **(EU, Euratom) 2018/1046**.

*Article 22*~~27~~

**Blending operations**

Blending operations decided under this Fund, *as referred to in point (c) of Article 2* shall be implemented in accordance with the [InvestEu regulation] and Title X of the ~~Financial Regulation~~: *(EU, Euratom) 2018/1046*.

*Article 23*~~28~~

**Technical assistance at the initiative of the Commission**

~~The~~*In accordance with Article 29 of Regulation (EU) No [CPR], the* Fund may support technical assistance ~~measures~~ implemented at the initiative of, or on behalf of, the Commission. ~~Those measures may be financed at the~~ *at a financing* rate of 100 %.

*Article 24*~~29~~

**Audits**

Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of Regulation (EU) ~~[Regulation on the financial rules applicable to the general budget of the Union]~~, *Euratom) 2018/1046*.

### Information, communication and publicity

1. The ~~recipients~~**recipient** of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective, **meaningful** and proportionate ~~targeted~~ information to multiple audiences, including the media and the public. ***Visibility shall be ensured and information shall be provided except in duly justified cases where public display is not possible or appropriate or information is restricted by law, in particular due to reasons of security, public order, criminal investigations or the protection of personal data. To ensure the visibility of Union funding, recipients of Union funding should refer to its origin when communicating on the action and display the Union emblem.***
2. ~~The~~**To reach the widest possible audience, the** Commission shall implement information and communication actions relating to ~~the~~**this** Fund ~~and~~, its actions and results. Financial resources allocated to ~~the~~**this** Fund shall also contribute to the corporate communication on the political priorities of the Union, as far as they are related to the objectives of this Regulation.
3. ***The Commission shall publish the programmes of the thematic facility. For support provided under direct and indirect management, the Commission shall publish the information referred to in Article 38(2) of Regulation (EU, Euratom) 1046/2018 on a publicly available website and shall update that information regularly. This information shall be published in open, machine-readable format which allows data to be sorted, searched, extracted and compared.***

## SECTION 4

### SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT

#### *Article 2631*

#### **Emergency assistance**

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of ~~an~~ *a duly justified* emergency situation resulting from one or more of the following:
  - (a) ~~heavy~~*exceptional* migratory pressure in one or more Member States ~~situation~~ characterised by a large or disproportionate inflow of third-country nationals *in one or more Member States*, which places significant and urgent demands on their reception and detention facilities, *and on their* asylum and migration management systems and procedures;
  - (b) ~~the implementation of temporary protection mechanisms~~ *an event of mass influx of displaced persons* within the meaning of Directive 2001/55/EC<sup>2218</sup>;

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<sup>2218</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).



- (c) ~~heavy~~**exceptional** migratory pressures**situation** in third countries, including where persons in need of protection may be stranded due to political developments or conflicts, notably where it might have an impact on migration flows towards the EU.

***In response to such a duly justified emergency situation, the Commission may decide to provide emergency assistance, including for voluntary relocation, within the limits of available resources. In such cases, the Commission shall inform the European Parliament and the Council in a timely manner.***

2. ~~Emergency assistance may take the form of grants awarded directly to the decentralised agencies.~~***Measures in third countries shall be implemented in accordance with Article 5(2) and (3) of this Regulation.***
3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article ~~44~~**13**(1) and Annex I, provided that it is earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. ***Pre-financing for emergency assistance may amount to 95% of the Union contribution, subject to the availability of funds.***
4. Grants implemented under direct management shall be awarded and managed in accordance with ~~{Title VIII}~~ of the Financial Regulation ***(EU, Euratom) 2018/1046.***

5. *Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021.*
6. *The Commission may, on duly justified imperative grounds of urgency and to ensure a timely availability of resources for emergency assistance, separately adopt a financing decision for emergency assistance by way of immediately applicable implementing acts in accordance with the examination procedure referred to in Article 38(4).*

*Article 2732*

**Cumulative, complementary and combined alternative funding**

1. An action that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

2. Actions awarded a seal of Excellence certification, ~~or which comply~~ ***under this Fund by complying*** with the following cumulative comparative conditions:

- (a) they have been assessed in a call for proposals under the ~~instrument~~ ***Fund***;
- (b) they comply with the minimum quality requirements of that call for proposals;
- (c) they may not be financed under that call for proposals due to budgetary constraints.

may receive support from the European Regional Development Fund, ~~the Cohesion Fund, or the European Social Fund+ or the European Agricultural Fund for Rural Development~~, in accordance with paragraph 5 of Article [67] of Regulation (EU) ../.. [Common Provisions Regulation] ~~and Article [8] of Regulation (EU) ../.. [Financing, management and monitoring of the Common Agricultural Policy]~~, provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.

## SECTION 5

### MONITORING, REPORTING AND EVALUATION

#### SUB SECTION 1 COMMON PROVISIONS

##### *Article 2833*

##### **Monitoring and reporting**

1. In compliance with its reporting requirements pursuant to Article ~~[4341(3)(h)(i)(iii)]~~ of the ~~Financial Regulation~~, **(EU, Euratom) 2018/1046**, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article ~~3237~~ to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.
3. The indicators to report on progress of the Fund towards the achievement of the objectives of this Regulation are set in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and where relevant Member States.
5. In order to ensure effective assessment of the progress of the Fund towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article ~~32~~**37** to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including for project information to be provided by the Member States. ***Any amendment to Annex VIII shall apply only to projects selected after its entry into force.***

## Evaluation

1. ~~The~~**By 31 December 2024, the** Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, ~~including the actions implemented under the Fund.~~ ***In addition to Article 40(1) of the Regulation [CPR], the mid-term evaluation shall assess the following:***
  - (a) the effectiveness of the Fund, including the progress made towards the achievement of the objectives of this Regulation, taking into account all relevant information already available, in particular the annual performance reports referred to in Article 35 and the output and result indicators set out in Annex VIII;***
  - (b) the efficiency of the use of resources allocated to the Fund and of the management and control measures put in place to implement it;***
  - (c) the continued relevance and appropriateness of the implementation measures set out in Annex II;***

- (d) the coordination, coherence and complementarity between the actions supported under the Fund and support provided by other Union funds;*
- (e) the EU added value of actions implemented under the Fund.*

*That midterm evaluation shall take into account retrospective evaluation results on the effects of the Asylum, Migration and Integration Fund for the period 2014-2020.*

- 2. In addition to Article 40(2) of the Regulation [CPR], the retrospective evaluation shall include the elements listed in paragraph 1. In addition, the impacts of the Fund shall also be evaluated.*
- 3. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process, including, where appropriate, revisions of this Regulation.*
- 4. In its mid-term and retrospective evaluations, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with Article 7, Article 16(11) and Article 23.*

## SUB SECTION 2 RULES FOR SHARED MANAGEMENT

### *Article 3035*

#### **Annual performance reports**

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU).../2021 [Common Provisions Regulation].  
~~The report submitted in 2023 shall cover the implementation of the programme in the period to 30 June 2022.~~

*The reporting period shall cover the last accounting year as defined in Article 2(28) of Regulation (EU).../... [CPR], preceding the year of submission of the report. The report submitted by 15 February 2023 shall cover the period from 1 January 2021.*

2. The annual performance report shall in particular set out information on:
  - (a) progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data as required by Article [37] of Regulation (EU) .../2021 [Common Provisions Regulation];



- (b) any issues affecting the performance of the programme and the action taken to address them, ***including information on any reasoned opinion issued by the Commission in respect of an infringement under Article 258 TFEU linked to the implementation of the Fund;***
- (c) the complementarity between the actions supported ~~by the~~ ***under this*** Fund and ~~the~~ support provided by other Union funds, in particular those in or in relation to third countries;
- (d) contribution of the programme to the implementation of the relevant Union *acquis* and action plans ***and to cooperation and solidarity between Member States;***
- (e) the implementation of communication and visibility actions;
- (f) the fulfilment of the applicable enabling conditions and their application throughout the programming period, ***in particular compliance with fundamental rights;***
- (g) the number of persons resettled ***or admitted*** with the help of the Fund in line with the amounts referred to in Article ~~16(1)~~ ***19;***

(h) the number of applicants for or beneficiaries of international protection transferred from one Member State to another in line with Article ~~17~~**20**;

(i) *the implementation of projects in, or in relation to a third country.*

*The annual performance report shall include a summary covering all the points set out in this paragraph. The Commission shall ensure that the summaries provided by Member States are translated into all official languages and made publicly available.*

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted.
4. *On its website, the Commission shall provide the links to Member States' websites referred to in Art. 44(1) [CPR].*
5. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article ~~33~~**38**(2).

**Monitoring***Specific monitoring and reporting requirements under shared management*

1. Monitoring and reporting in accordance with Title IV of Regulation (EU) .../... [Common Provisions Regulation] shall be based on the types of intervention set out in Tables 1, ~~22~~, ~~3~~ and ~~34~~ in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the Commission shall be empowered to adopt delegated acts to amend the types of intervention in accordance with Article ~~32~~.**37**.
2. ~~These~~**The** indicators *set in Annex VIII* shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) .../2021 [Common Provisions Regulation].

## CHAPTER III

### TRANSITIONAL AND FINAL PROVISIONS

#### *Article ~~32~~37*

##### **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 power to adopt delegated acts referred to in Articles ~~13, 18, 285~~, **16, 19, 20, 21, 33** and ~~34~~**36** shall be conferred on the Commission until 31 December ~~2028~~**2027**.
3. The delegation of powers referred to in Articles ~~13, 18, 285~~, **16, 19, 20, 21, 33** and ~~34~~**36** 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and to the Council thereof.
6. A delegated act adopted pursuant to Articles ~~13, 18, 285~~, **16, 19, 20, 21, 33** and ~~34~~**36** shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

#### *Article ~~33~~**38***

#### **Committee procedure**

1. The Commission shall be assisted by the Coordination Committee for the Asylum~~and~~, Migration **and Integration** Fund, the Internal Security Fund and the Border Management and Visa Instrument. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.
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.*** Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. ~~This shall not apply to the implementing act referred to in Article 30(4) and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.~~
4. ***Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. Immediately applicable implementing acts adopted pursuant to this paragraph shall remain in force for a period of 18 months.***

~~Article 34~~**39**

**Transitional provisions**

1. This Regulation shall not affect the continuation or modification of the actions concerned under the Asylum, Migration and Integration Fund for the period 2014-2020 established by Regulation (EU) No 516/2014, which shall continue to apply to the actions concerned until their closure.
2. The financial envelope for the Fund may also cover technical and administrative assistance expenses necessary to ensure the transition between the Fund and the measures adopted under its predecessor, the Asylum, Migration and Integration Fund established by Regulation (EU) No 516/2014.

3. *In accordance with point (a) of the second subparagraph of Article 193(2) of Regulation (EU, Euratom) No 2018/1046, taking into account the delayed entry into force of this Regulation and in order to ensure continuity, for a limited period, costs incurred in respect of actions supported under this Regulation under direct management and the underlying costs may be considered eligible as of 1 January 2021, even if they were incurred before the grant application or the request for assistance was submitted.*
4. *Where Member States continue after [insert the date of application of CPR] to support a project selected and started under Regulation (EC) No 516/2014, in accordance with Regulation 514/2014, they shall ensure that the following cumulative conditions are met:*
- (a) the project so selected has two phases identifiable from a financial point of view with separate audit trails;*
  - (b) the total cost of the project exceeds EUR 500 000;*
  - (c) payments made by the responsible authority to beneficiaries for the first phase of the project shall be included in payment requests to the Commission under Regulation (EU) 514/2014. Expenditure for the second phase of the project shall be included in payment applications under Regulation (EU) No .../... [CPR];*

- (d) *the second phase of the project complies with the applicable law and is eligible for support from the Fund under this Regulation and Regulation (EU) No .../... [CPR];*
- (e) *the Member State commits to complete the project, render it operational and report it in the annual performance report submitted by 15 February 2024.*

*The provisions of this Regulation and of Regulation (EU) No .../... [CPR] shall apply to the second phase of the project.*

*This paragraph shall apply only to projects, which have been selected under shared management pursuant to Regulation (EU) 514/2014.*

~~Article 35~~**40**

### **Entry into force and application**

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

It shall apply from 1 January 2021.

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

Done at Strasbourg,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



## ANNEX I

### Criteria for the allocation of funding to the programmes under shared management

1. The available resources referred to in Article ~~44~~**13** shall be broken down between the Member States as follows:
  - (a) Each Member State shall receive a fixed amount of EUR ~~58~~ 000 000 from the Fund at the start of the programming period only, *with the exception of Cyprus, Malta and Greece who shall receive a fixed amount of EUR 28 000 000*;
  - (b) The remaining resources referred to in Article ~~44~~**13** shall be distributed based on the following criteria:
    - ~~30~~**35** % for asylum;
    - 30 % for legal migration and integration;
    - ~~40~~**35**% for countering irregular migration including returns.

2. The following criteria in the area of asylum will be taken into account and shall be weighted as follows:

(a) 30 % in proportion to the number of persons who fall into one of the following categories:

- Any third-country national or stateless person having been granted the status defined by the Geneva Convention;
- Any third-country national or stateless person enjoying a form of subsidiary protection with the meaning of recast Directive 2011/95/EU<sup>2319</sup>;
- Any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC<sup>2420</sup>

(b) 60 % in proportion to the number of third-country nationals or stateless persons who have applied for international protection.

(c) 10 % in proportion to the number of third-country nationals or stateless persons who are being or have been resettled in a Member State.

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<sup>2319</sup> 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 granted (OJ L 337, 20.12.2011, p. 9–26).

<sup>2420</sup> Data to be taken into account only in case of the activation of the Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12–23).

3. The following criteria in the area of legal migration and integration will be taken into account and shall be weighted as follows:
- (a) ~~40~~**50**% in proportion to the total number of legally residing third-country nationals in a Member State.
  - (b) ~~60~~**50**% in proportion to the number of third-country nationals who have obtained a first residence permit.
  - (c) However, for the purpose of the calculation referred to in paragraph 3(b), the following categories of persons shall not be included:
    - Third country nationals being issued a work-related first residence permits valid for less than 12 months;

- Third-country nationals admitted for the purposes of studies, pupil exchange, unremunerated training or voluntary service in accordance with Council Directive 2004/114/EC<sup>2521</sup> or when applicable the Directive (EU) 2016/801<sup>26</sup>~~801~~<sup>22</sup>;
- Third-country nationals admitted for purposes of scientific research in accordance with Council Directive 2005/71/EC<sup>2723</sup> or when applicable the Directive (EU) 2016/801.

4. The following criteria in the area of countering irregular migration including returns will be taken into account and shall be weighted as follows:

- (ga) ~~50~~<sup>70</sup>% in proportion to the number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and / or Community law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return;

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<sup>2521</sup> Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375, 23.12.2004, p. 12–18).

<sup>2622</sup> Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21–57).

<sup>2723</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, p. 15–22).

(~~4b~~) ~~50~~<sup>30</sup>% in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion.

5. For initial allocation the reference figures shall be **based on** the ~~latest~~ annual statistical data produced by the Commission (Eurostat) covering the ~~preceding three calendar~~ years **2017, 2018 and 2019** on the basis of data provided by Member States on the date of the applicability of this Regulation in accordance with Union law. For the mid-term review, the reference figures shall be **based on** the ~~latest~~ annual statistical data produced by the Commission (Eurostat) covering the ~~preceding three calendar years available at the time of~~ **years 2021, 2022 and 2023 prior to** the mid-term review in 2024 on the basis of data provided by Member States in accordance with Union law. Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.
6. Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

**ANNEX II**  
**Implementation measures**

- I.** The Fund shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:
- (a) ensuring a uniform application of the Union *acquis* and of the priorities related to the Common European Asylum System;
  - (b) supporting the capacity of Member States' asylum systems as regards infrastructures and services where necessary, ***including at local and regional level***;
  - ~~(c) enhancing solidarity and responsibility sharing between the Member States, in particular towards those most affected by migratory flows, as well as providing support to Member States contributing to solidarity efforts;~~
  - (c) ~~enhancing solidarity and cooperation with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation~~***cooperation and partnership*** with third countries for the purpose of managing migration ***including by enhancing their capacities to improve protection of people in need of international protection in the context of the global cooperation efforts.***

*(d) implementing technical and operational assistance to one or several other Member States, including in cooperation with the European Asylum Support Office*

2. The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:

*(a) supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration **acquis**, including family reunification and the enforcement of labour standards;*

~~(b) promoting early and supporting measures to facilitate regular entry to and residence in the Union;~~

*(c) enhancing cooperation and partnership with third countries for the purpose of managing migration including through legal avenues of entry to the Union in the context of global cooperation efforts in the area of migration;*

*(d) promoting ~~early~~ integration measures for the social and economic inclusion of third-country nationals, **protection measures for vulnerable persons in the context of integration measures, facilitating family reunification**, preparing their active participation in and their acceptance by the receiving society, ~~in particular with the involvement of local or~~ **national and, in particular, regional or local** authorities and civil society organisations, **including refugees and migrant-led organisations and social partners**.*

3. The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:
- (a) ensuring a uniform application of the Union *acquis* and policy priorities regarding infrastructure, procedures and services;
  - (b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective, ***dignified*** and sustainable return and reducing incentives for irregular migration;
  - (c) supporting assisted voluntary return, ***family tracing*** and reintegration, ***while respecting the best interests of minors***;
  - (d) strengthening cooperation with ***and capacity of*** third countries ~~and their capacities to implement~~ readmission agreements and other arrangements, and enable ***and enabling*** sustainable return.
4. ***The Fund shall contribute to the specific objective set out in point (d) of Article 3(2) by focusing on the following implementation measures:***
- (a) ***enhancing solidarity and cooperation with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union;***
  - (b) ***supporting transfers of applicants for international protection or beneficiaries of international protection from one Member State to another.***



**ANNEX III**  
**Scope of support**

- I.** Within the policy objective referred to in Article 3(1), the Fund shall in particular support the following:
- (a) the establishment and development of national, ***regional and local*** strategies in asylum, legal migration, integration, return and irregular migration ***in line with the relevant Union acquis***;
  - (b) the setting up of administrative structures, ***tools and*** systems ~~and~~, ***including ICT systems, tools*** and training of staff, including local authorities and other relevant stakeholders, ***in cooperation with relevant decentralised agencies, where appropriate***;
  - (c) ***the establishment of contact points at the national, regional and local levels to provide impartial guidance, practical information and assistance regarding all aspects of this Fund to potential beneficiaries and eligible entities***;

- (d) the development, monitoring and evaluation of policies and procedures, including ~~on~~ collection and exchange **and analysis** of information and data, **including the dissemination of qualitative and quantitative data and statistics on migration and international protection and the** development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;
- (e) the exchanges of information, best practices and strategies, mutual learning, studies and research, the development and implementation of joint actions and operations and the setting-up of transnational cooperation networks;
- (f) assistance and support services **provided in a gender sensitive manner and** consistent with the status and the needs of the person concerned, in particular ~~the~~ vulnerable ~~groups~~ **persons**;
- (g) **actions aimed at the effective protection of children in migration, including the implementation of best interests of the child assessments, the strengthening of guardianship systems, as well as the development, monitoring and evaluation of child safeguarding policies and procedures.**
- (h) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies, **with specific attention to vulnerable persons, including minors,** among stakeholders and the general public;

2. Within the specific objective referred to in Article 3(2)(a), the Fund shall in particular support the following actions:
- (a) providing material aid, including assistance at the border;
  - (b) conducting asylum procedures *in line with the asylum acquis, including the provision of support services such as translation and interpretation, legal assistance, family tracing and other services which are consistent with the status of the person concerned*;
  - (c) identifying applicants with special procedural or reception needs, *including the early identification of victims of trafficking, with a view to their referral to specialised services such as psycho-social and rehabilitation services*;
  - (d) *providing specialised services such as qualified psycho-social and rehabilitation services to applicants with special procedural or reception needs*;
  - (e) establishing or improving reception accommodation infrastructure, *such as small scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and* including the possible joint use of such facilities by more than one Member State;
  - (f) enhancing the capacity of Member States to collect, analyse and disseminate *share amongst their competent authorities* country of origin information;

- (g) actions related to ~~the conducting of procedures for the implementation of the Union Resettlement [and Humanitarian Admission] Framework or national resettlement schemes that are compatible with the Union Resettlement Framework~~***Union Resettlement programmes or national resettlement and humanitarian admission schemes including the conducting of procedures for their implementation;***
- (h) enhancing capacities of third countries to improve the protection of persons in need of protection, ***including through supporting the development of protection systems for children in migration;***
- (i) establishing, developing and improving effective alternatives to detention, in particular in relation to unaccompanied minors and families, ***and including, where appropriate non-institutionalised care integrated into national child protection systems.***

3. Within the specific objective referred to in Article 3(2)(b), the Fund shall in particular support the following:
- (a) information packages and campaigns to raise awareness of legal migration channels to the Union, including on the Union legal migration *acquis*;
  - (b) development of mobility schemes to the Union, such as circular or temporary migration schemes, including training to enhance employability;
  - (c) cooperation between third countries and the recruitment agencies, the employment services and the immigration services of Member States;
  - (d) the assessment *and recognition* of skills and qualifications, *including professional experience*, acquired in a third country, as well as their transparency and compatibility with those of a Member State;
  - (e) assistance in the context of applications for family reunification ~~within the meaning of~~ *ensure a harmonised implementation* of Council Directive 2003/86/EC<sup>2824</sup>;

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<sup>2824</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03/10/2003 p. 12 – 18.).

- (f) assistance, ***including legal assistance and representation***, in relation to a change of status for third-country nationals already legally residing in a Member State, in particular in relation to the acquisition of a legal residence status defined at Union level;
- (g) ***assistance to third country nationals seeking to exercise their rights, in particular related to mobility, under Union legal migration instruments***;
- (h) integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on ***counselling***, education, language and other training such as civic orientation courses and professional guidance;
- (i) actions promoting equality in the access and provision of public and private services to third-country nationals, including ***access to education, healthcare and psycho-social support and*** adapting them to the needs of the target group;
- (j) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops;

- (k) actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society;
- (l) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue;
- (m) ***building capacity of integration services provided by local authorities and other relevant stakeholders;***

4. Within the specific objective referred to in Article 3(2)(c), the Fund shall in particular support the following:

- (a) ~~***infrastructure for establishing or improving open***~~ reception or detention ***infrastructure***, including the possible joint use of such facilities by more than one Member State;

- (b) introduction, development, **implementation** and improvement of effective alternative measures to detention, **including community based case management**, in particular in relation to unaccompanied minors and families;
- (c) introduction and reinforcement of independent and effective systems for monitoring forced return, as laid down in Article 8(6) of Directive 2008/115/EC<sup>2925</sup>;
- (d) countering incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC<sup>3026</sup>;
- (e) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents and family tracing;

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<sup>2925</sup> 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 nationals (OJ L 348, 24.12.2008, p. 98).

<sup>3026</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009., p. 24–32).



- (f) cooperation with the consular authorities and immigration services or other relevant authorities and services of third countries with a view to obtaining travel documents, facilitating return and ensuring readmission including through the deployment of third-country liaison officers;
- (g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes, ***including by providing specific guidance for children in return procedures***;
- (h) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;
- (i) measures to support the returnee's durable return and reintegration, ***including cash-incentives, training, placement and employment assistance and start-up support for economic activities***;
- (j) facilities and ***support*** services in third countries ensuring appropriate temporary accommodation and reception upon arrival, ~~including for unaccompanied minors and other vulnerable groups in line with international standards;~~ ***and, where appropriate, a fast transition to community based accommodation***;

- (k) cooperation with third countries on countering irregular migration and on effective return and readmission, ~~including in the framework of the implementation of readmission agreements and other arrangements;~~
- (l) measures aimed at raising awareness of the appropriate legal channels for ~~immigration~~ **migration** and the risks of ~~illegal~~ **irregular** immigration;
- (m) ~~support for~~ **assistance** and actions in third countries, ~~including on infrastructure, equipment and other measures, provided these contribute to enhancing~~ **which help to improve** effective cooperation between third countries and the Union and its Member States on return and readmission **and to support reintegration into the society of origin.**

5. ***Within the specific objective referred to in point (d) of Article 3(2), the Fund shall support the following:***

- (a) ***the implementation of voluntary transfers of either applicants for international protection or beneficiaries of international protection from one Member State to another;***
- (b) ***operational support in terms of seconded staff or financial assistance provided by a Member State to another Member State affected by migration challenges, including support provided to EASO;***
- (c) ***the voluntary implementation of national resettlement or humanitarian admission schemes;***
- (d) ***support by a Member State to another Member State affected by migration challenges, in terms of establishment or improvement of reception infrastructure.***

#### ANNEX IV

##### Actions eligible for higher co-financing in line with Articles ~~12/5(23)~~ and ~~13/6(79)~~

- Integration measures implemented by local and regional authorities and civil-society *organisations, including refugee and migrant-led* organisations;
- Actions to develop and implement effective alternatives to detention;
- Assisted Voluntary Return and Reintegration programmes and related-activities;
- Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of ~~children in migration~~ *minors*, in particular those unaccompanied, *including through alternative, non-institutionalised care systems*.

## ANNEX V

### Core performance indicators referred to in Article 2833(1)

*All person-related indicators shall be reported broken down by age bracket (<18, 18-60, >60) and by gender*

**Specific objective 1:** To strengthen and develop all aspects of the Common European Asylum System, including its external dimension.

~~1. Number of persons resettled with the support of the Fund.~~

~~2. Number of persons in the reception system as compared to the number of asylum applicants.~~

~~3. Convergence of protection recognition rates for asylum seekers from the same country~~

*1. Number of participants who consider the training useful for their work;*

*2. Number of participants who report three months after the training activity that they are using the skills and competences acquired during the training;*

*3. Number of persons placed in alternatives to detention;*

*3.1 of which number of unaccompanied minors placed in alternatives to detention;*

*3.2 of which number of families placed in alternatives to detention.*

**Specific objective 2:** To ~~support~~*strengthen and develop* legal migration to the Member States ~~including to~~*in accordance with their economic and social needs, and to promote and* contribute to the *effective* integration *and social inclusion* of third-country nationals:

~~1. Number of persons who participated in pre-departure measures supported by the Fund.~~

*1. Number of participants in language courses who have improved their proficiency level in the host-country language upon leaving the language course by at least one level in the Common European Framework of Reference for Languages or national equivalent;*

~~2. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund.~~

*2. Number of participants who report that the activity was helpful for their integration;*

*3. Number of participants who applied for their qualification / skills acquired in a third country to be recognised / assessed;*

*4. Number of participants who applied for a long-term status.*

**Specific objective 3:** To contribute to countering irregular migration and ensuring effectiveness of, *enhancing effective, safe and dignified* return and readmission, *as well as to contribute to and to promote effective initial reintegration* in third countries:–.

~~1. Number of returns following an order to leave compared to the number of third-country nationals ordered to leave.~~

1. *Number of returnees voluntarily returned;*

2. Number of returnees who ~~have received pre or post return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.~~ *were removed;*

3. *Number of returnees subject to alternatives to detention.*

**Specific objective 4:** *To enhance solidarity and fair-sharing of responsibility between the Member States, in particular towards those most affected by migration and asylum challenges, including through practical cooperation.*

1. *Number of applicants for and beneficiaries of international protection transferred from one Member State to another;*

2. *Number of persons resettled;*

3. *Number of persons admitted through humanitarian admission.*

**ANNEX VI**  
**Types of intervention**

**TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION**

<b>I. CEAS</b>	
001	Reception conditions
002	Asylum procedures
003	Implementation of the Union <i>acquis</i>
004	Children in migration
005	Persons with special reception and procedural needs
006	Resettlement <i>or humanitarian admission</i>
007	Solidarity efforts between Member States
008	Operating support

<b>II. Legal migration and integration</b>	
001	Development of integration strategies
002	Victims of trafficking in human beings
003	Integration measures – information and orientation, one stop shops
004	Integration measures – language training
005	Integration measures – civics and other training
006	Integration measures – Introduction, participation, exchanges host society
007	Integration measures – basic needs
008	Pre-departure measures
009	Mobility schemes
010	Acquisition of legal residence
<b>011</b>	<b><i>Operating support</i></b>
<b>012</b>	<b><i>Vulnerable persons, including unaccompanied minors</i></b>



<b>III. Return</b>	
001	Alternatives to detention
002	Reception/detention conditions
003	Return procedures
004	Assisted voluntary return
005	Reintegration assistance
006	Removal/Return operations
007	Forced-return monitoring system
008	Vulnerable persons/UAMs
009	Measures addressing incentives for irregular migration
010	Operating support
<b>IV. Technical assistance</b>	
001	Information and communication
002	Preparation, implementation, monitoring and control
003	Evaluation and studies, data collection
004	Capacity building

**TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION**

001	Development of national strategies
002	Capacity building
003	Education and training for third-country nationals
004	Development of statistical tools, methods and indicators
005	Exchange of information and best practices
006	Joint actions/operations (between MS)
007	Campaigns and information
008	Exchange and secondment of experts
009	Studies, pilot projects, risk assessments
010	Preparatory, monitoring, administrative and technical activities
011	Provision of assistance and support services to TCN
012	Infrastructure
013	Equipment

**TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION**

<b>001</b>	<del>Specific action</del> <i>Actions as per Article 15(1)</i>
<b>002</b>	<del>Emergency assistance</del> <i>Specific actions</i>
<b>003</b>	<del>Cooperation with third countries</del> <i>Actions listed in Annex IV</i>
<b>004</b>	<del>Actions in third countries</del> <i>Operating support</i>
<b>005</b>	<del>Strategic Union priorities</del> <i>Emergency assistance</i>

**TABLE 4: CODES FOR SECONDARY IMPLEMENTATION DIMENSION**

<b>001</b>	<i>Cooperation with third countries</i>
<b>002</b>	<i>Actions in third countries</i>

## ANNEX VII

### Eligible actions for operating support

~~Within the specific objective to strengthen and develop all aspects of the Common European Asylum System, including its external dimension, and the specific objective to contribute to countering irregular migration, ensuring effectiveness of return and readmission in third countries~~*all specific objectives referred to in Article 3(2)*, operating support shall cover:

- staff costs;
- service costs, such as maintenance or replacement of equipment, *including ICT systems*;
- service costs, such as maintenance and repair of infrastructure.

## **ANNEX VIII**

### **Output and result indicators referred to in Article 2833(3)**

*All person-related indicators shall be reported broken down by age bracket (<18, 18-60, >60) and by gender.*

**Specific objective 1:** To strengthen and develop all aspects of the Common European Asylum System, including its external dimension:

#### ***Output indicators***

**1. *Number of*** ~~target group persons provided with assistance with the support of the Fund participants supported;~~

**1.1. *of which number of participants who received legal assistance;***

~~(a) — Number of target group persons~~ **1.2. *of which number of participants*** benefiting from ***other types of support, including*** information and assistance throughout the asylum ~~procedures~~***procedure***<sup>27</sup>;

~~(b) — Number of target group persons benefiting from legal assistance and representation;~~

~~(c) —~~ **1.3. *of which*** ~~number of vulnerable participants assisted persons, victims of trafficking in human beings, and unaccompanied minors benefiting from specific assistance;~~

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<sup>27</sup> ***This indicator is generated automatically for reporting purposes by the system by subtracting the number of participants who received legal assistance from the number of participants supported. The data for this indicator is generated by SFC2021 for reporting purposes. Member States do not need to report data for this indicator, nor do they need to set milestones or targets.***

- ~~2. — *Number of participants in training activities*; Capacity (number of places) in new reception accommodation infrastructure set up in line with the common requirements for reception conditions set out in the Union acquis and of existing reception accommodation infrastructure, improved in accordance with the same requirements as a result of the projects supported by the Fund and percentage in the total reception accommodation capacity;~~
- ~~3. — Number of places adapted for unaccompanied minors (UAM) supported by the Fund as compared to the total number of places adapted for unaccompanied minors;~~
- ~~4. — Number of persons trained in asylum-related topics with the assistance of the Fund, and that number as a percentage of the total number of staff trained in those topics;~~
- ~~5. — Number of applicants for international protection transferred from one Member State to another with support of the Fund;~~
- ~~6. — Number of persons resettled with the support of the Fund.~~
3. *Number of newly created places in reception infrastructure in line with Union acquis;*
  - 3.1. *of which number of newly created places for unaccompanied minors;*
4. *Number of renovated/refurbished places in reception infrastructure in line with Union acquis;*
  - 4.1. *of which number of renovated/refurbished places for unaccompanied minors;*

### ***Result indicators***

5. ***Number of participants who consider the training useful for their work;***
6. ***Number of participants who report three months after the training activity that they are using the skills and competences acquired during the training;***
7. ***Number of persons placed in alternatives to detention;***
  - 7.1. ***of which number of unaccompanied minors placed in alternatives to detention;***
  - 7.2. ***of which number of families placed in alternatives to detention.***

**Specific objective 2:** To ~~support~~ **strengthen and develop** legal migration to the Member States ~~including to~~ **in accordance with their economic and social needs, and to promote and** contribute to the **effective** integration **and social inclusion** of third-country nationals:

### ***Output indicators***

1. Number of ~~persons who participated~~ **participants** in pre-departure measures ~~supported by the Fund;~~
2. Number of local and regional authorities ~~that have implemented~~ **supported to implement** integration measures ~~with the support of the Fund;~~

~~2. Number of persons who participated in measures supported by the Fund focusing on:~~

~~(iii) education and training;~~

~~(jjj) labour market integration;~~

~~(kkk) access to basic services; and~~

~~(lll) active participation and social inclusion.~~

~~3. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund;~~

3. *Number of participants supported;*

3.1. *of which number of participants in a language course;*

3.2. *of which number of participants in a civic orientation course;*

3.3. *of which number of participants who received personal professional guidance;*



4. *Number of information packages and campaigns to raise awareness of legal migration channels to the Union;*
5. *Number of participants receiving information and/or assistance to apply for family reunification;*
6. *Number of participants benefitting from mobility schemes;*
7. *Number of integration projects where local and regional authorities are the beneficiary;*

**Result indicators**

8. *Number of participants in language courses who have improved their proficiency level in the host-country language upon leaving the language course by at least one level in the Common European Framework of Reference for Languages or national equivalent;*
9. *Number of participants who report that the activity was helpful for their integration;*
10. *Number of participants who applied for their qualification / skills acquired in a third country to be recognised / assessed;*
11. *Number of participants who applied for a long-term status.*

**Specific objective 3:** To contribute to countering irregular migration and ensuring effectiveness of, *enhancing effective, safe and dignified* return and readmission, *as well as to contribute to and to promote effective initial reintegration* in third countries:

***Output indicators***

1. ~~Number of *participants in training activities* places in detention centres created/renovated with support from the Fund, as compared to the total number of created/renovated;~~
2. ~~Number of persons trained on return-related topics with the assistance of the Fund.~~
2. ***Number of equipment purchased, including number of ICT systems purchased / updated;***
3. ~~Number of returnees whose return was co-financed by the Fund as compared to the total number of returns following an order to leave:~~
  - (a) ~~persons who returned~~
  - (b) ~~persons~~
3. ***Number of returnees who received re-integration assistance;***
4. ***Number of places in detention centres created;***
5. ***Number of places in detention centres refurbished/renovated;***

### ***Result indicators***

6. ***Number of returnees voluntarily returned;***
7. ***Number of returnees who were removed;***
48. ***Number of returnees who have received pre or post return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund. —subject to alternatives to detention.***

***Specific objective 4: To enhance solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration and asylum challenges, including through practical cooperation:***

### ***Output indicators***

1. ***Number of staff trained;***
2. ***Number of participants who received pre-departure support;***

### ***Result indicators***

3. ***Number of applicants for and beneficiaries of international protection transferred from one Member State to another;***
  4. ***Number of persons resettled;***
  5. ***Number of persons admitted through humanitarian admission.***
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