Council of the European Union
General Secretariat

Interinstitutional files:
2018/0248(COD)

Brussels, 17 October 2018

WK 12415/2018 INIT

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From:	Presidency
To:	Ad Hoc Working Party on JHA Financial instruments
Subject:	Summary of replies concerning “integration”

In view of the meeting of the Ad Hoc Working Party on JHA Financial instruments (AMF) on 23-24 October 2018, delegations will find attached the summary of replies concerning "integration".

Ad-Hoc Working Party AMF – Questionnaire

Summary of replies concerning "integration" (15th of October 2018)

Questions Nr. 6 of the detailed questions: What is your opinion on splitting up the managing of integration measures between the AMF (short-term or early integration measures linked to the reception) and the ESF+ (long-term socio-economic integration of third-country nationals)? **(Art.3(2)(b), ANNEX II (2)(b), ANNEX III (3)(g)(i))**

Bulgaria (BG): BG considers that a clear definition of the short-term or early integration measures linked to the reception should be included in the AMF draft Regulation. Thus a better distinction of the support under AMF and ESF+ will be set.

Cyprus (CY): This provision is believed to hinder the implementation of projects as regards integration. Firstly, additional administrative burden for both Final Beneficiaries and the RAs (Managing Authorities) would be created. Both parties not only would need to check if the person is legally staying in the MS (as was the case so far) but would also need to check whether they fall in the respective group. Managing Authorities of the Funds' administrative burden would also be increased, as there will be a higher need for coordination so as to avoid double funding and overlaps. This division of groups of persons in need of integration will also increase the risk of losing funding from both Funds, since more persons may be ineligible to participate in each Fund's project. Moreover, there will be a risk of discrimination, since people, although legally residing would be refused to participate in the other Fund's project.

Through the experience gained so far during the past programming periods, having a clear managing mode for each objective/targeted group in the most relevant Operational Program, i) generates gains in terms of efficiency, ii) deters possible duplication and iii) facilitates a more successful implementation. The value added of having concentrated and dedicated funds in one Operational Program is even more evident in small administrations with limited resources. In this respect – and considering the importance of treating the integration of migrants in a comprehensive and concerted manner - it is our view that all relevant measures should be allocated in one Fund/Operational Program.

CY considers that this particular provision should be optional for MS and not obligatory, based on each MS decision, or that the provision will include integration measures for both short-term and long term measures under the AMF and include the option to use ESF+ money in case AMF has no longer available resources, or so to complement AMF funding in certain projects with higher funding needs.

Czech Republic (CZ): The CZ will request the EC to clarify the differences for financing actions from AMF and ESF+. See position on ANNEX II.

Estonia (EE): EE supports the Commission's proposal that integration activities are covered by the regulation. They consider it important that the AMF will complement the ESF+ and ERDF to support the adaptation and integration activities. However, it is important to distinguish between long-term and short-term integration when it becomes dependent on which fund's resources it is possible to finance these activities. For Estonia, it is important that immigrants, irrespective of the of the legal basis for staying in the country, can move from the adaption and welcoming services to the integration services, regardless of the source of financing.

Greece (EL): EL holds that in order for a further splitting up of the managing of integration measures (under new terms, conditions and definitions), to be successful and functional, an explicit delineation of actions eligible under each Fund and a clear and precise set of definitions are needed. If the terms "early" integration, "short-term integration" and "medium integration" are finally used in the proposal, they should be clearly defined, or else they may lead to confusion and overlapping of funding. It is essential that the Regulation provides not only definitions of "types of integration", but also clear and explicit examples of the types of interventions eligible under each Fund.

Finland (FI): FI emphasizes the need to support the early integration measures through the Fund but in a way that ensures the synergies and continuity of the actions. However, it´s indispensable to avoid overlaps between the different instruments.

Croatia (HR): The Republic of Croatia does not support separation of integration measures in two different funds. All integration measures should be dealt with by AMF. It has not been specified how to differentiate between short-term and long-term integration in practice.

Lithuania (LT): There is no definition of "short-term / early integration" in the AMF Regulation, therefore there is uncertainty related to the synergies / compatibility of the AMF and ESF+. Some aspects of the integration to the labour market is included in the AMF Regulation, so there could be some duplications of the actions related to the labour market funded by both funds.

Luxembourg (LU): Good idea, but first there has to be a definition of the splitting, otherwise it won't be able to check for the AA. Splitting-up short- and long term integration will be very difficult from the point of view of the scope and content of the actions/projects to set up, but also from an organizational point of view, as AMIF and ESF are managed by 2 different bodies.

Latvia (LV): Latvia has no comment on this question, as they would like to have more detailed information about what short-term and long-term integration means in practice.

Malta (MT): Malta is not convinced of the Commission's approach to split integration measures between AMF and ESF+ under Cohesion Policy. We believe that there should be one dedicated funding instrument to support integration considering the specific needs and challenges of the sector and that this instrument should continue to be the AMF.

Netherlands (NL): How does the European Commission define short-term integration and how is mid-long term integration defined? How can AMF and ESF+ best cooperate to support asylum status holders with integrating in society and accessing the labour market? Furthermore, the Netherlands would like to ask the Commission if and how, it can make sure that member states pay sufficient attention to integration in their national ESF+ programmes? Can the Commission explain how it sees the partnership agreements in practice, what in this context is expected from the Member State and how will COM support the Member States implementing the funds under shared management?

Poland (PL): PL is of the opinion that a clear distinction between early-stage and long-term integration of third-country nationals is crucial regarding continuity of the integration process. The scope of support should not be subject to interpretation in the future. For that reason, actions addressing integration that are eligible to be financed under the AMF, the ESF+ and the ERDF need to be indicated in the regulation.

Portugal (PT): For Portugal the most important is to guarantee that the paths are clear, both for AMF and ESF+. It is of utmost importance to avoid the duplication of financial resources / funding, as it will constitute a major problem in terms of audits and controls. The clearer the borders / barriers are between the two funds, the better for their implementation.

Slovakia (SK): The draft regulation does not reflect the approach of splitting short-term and long-term integration measures by not defining the early integration phase or short-term integration, including the types of eligible measures and their timing.

Romania (RO): RO supports the splitting, but they consider that it is necessary to make a clarification and a delimitation between short term integration activities, financed from AMF, and long term integration activities, covered throw ESF+ and ERDF, and to do, also, a correlation with the program indicators.

Germany (DE): Each financial instrument should be geared towards distinct purposes. Between AMF and EU structural funds, the specific objective and thus the type of measure should be clearly differentiated. Overlaps need to be avoided, so that there is no possibility for double financing. Due to the higher financial volume of the ESF+, it is welcomed that this fund will contribute to integration related tasks in general which should, however, not affect the possibility of the AMF to fund integration measures. Yet, to ensure consistency of the measures, a differentiation according to thematic priorities instead of timing (short-term or long-term) seems more adequate. While structural funds could e.g. support the integration and opportunities for participation in the labor market, communal childcare facilities or investments in urban education, AMF could e.g. finance measures aiming at the integration into the host society or non-occupational language courses. AMIF and structural funds should complement each other. As a consequence, the EU funding structure for addressing the internal dimension of migration would become more effective. Moreover, it would be more targeted towards those bearing the burdens of migration, in particular cities, regions and Member States that have taken on the genuinely European challenge of migration over the past years without commensurate EU funding.
To adequately reflect the scope of the funds, the former title "Asylum, Migration and Integration Funds (AMIF)" should be kept.

Hungary (HU): The actions mentioned in paragraph 2 are fundamentally contrary to the Hungarian approach. They firmly oppose that the migration challenges supported compulsorily by cohesion resources.

Sweden (SE): No major concerns.

○ **Article 3: AMF**	
Number of replies: 22	
General attitude:	positive: BG, DE, EE, EL, HR, LT, PT, RO; negative: HU, MT, SE; n.a. or undecided: BE, CZ, FI, FR, LU, LV, NL, PL, SK; scrutiny reservation: CY, SI;

Comments:

1. **BG:** Following the comment on Article 2 in Article 3 (2) b clarification of term "integration of third country nationals" is necessary. **EL** additionally proposes that it is specified that the Fund supports "early" or "short-term" integration measures, and not integration measures in general. **MT** also requests a clarification to see if any apportionment for integration activities involving non-TCNs will be applied whilst implementing projects under this priority.

2. **FI:** If integration is added to the name of the Fund, it could be purposeful in that case also to revise this article so that it would mention the integration as it is not necessarily included in the implied definitions of "management of migration flows" and "admission to the union area".

3. **FR:** To ensure the readability and comprehensibility of the AMF strategic framework, France asks that the implementation measures be integrated in the body of the AMF Regulation, after the specific objectives, in a dedicated article (new Article 4). Integration is a specific objective on a par with legal migration. We would therefore ask for the following change: *'to support legal migration to the Member States* ***and*** ~~***including***~~ *to contribute to the integration of third-country nationals****, in particular those benefiting from protection****'*.

4. **MT:** Malta is not convinced of the approach proposed by the Commission to have support for long-term integration measures shifted from the Asylum and Migration Fund (AMF) to the European Social Fund Plus (ESF+) under Cohesion Policy. We believe that there should be one dedicated funding instrument to support integration, considering the specific needs and challenges of the sector.

5. **PT:** Concerning the integration of Third Country Nationals there should be a guarantee that there will not be a duplication of financial resources and obligations once considering the ESF+.

Questions:

1. **The NL** would like to have further information on the division between short-term integration (under the Asylum and Migration Fund) and mid/long-term (under ESF+). What does the Commission mean with short-term and long-term and how can AMF and ESF+ best cooperate with regard to integration measures?

2. **PL: (**2)b. The provision should be compliant with the Preamble (13) and Annex II pt. 2b and should refer to early-stage integration. Annex II, item 3 (b) mentions reducing incentives for irregular migration. Does it cover fighting irregular employment?

3. **SI:** 3 (2) (b) does Article, and Annex II, when speaking of "contributing to the integration of third-country nationals", also takes into account persons who have obtained international protection?

- **ANNEX II: AMF**

Number of replies: 22

General attitude: positive: BG, DE, EE, HR, NL, PT, RO;
negative: HU, LT, MT ;
n.a.: BE, CZ, EL, FI, FR, LU, LV, PL, SK;
scrutiny reservation: CY, SE, SI;

Comments:

1. **BG:** Para 2b - Definition for "short term/ early integration measures" could be included in order to achieve better coordination with the ESF+.

2. **The CZ** suggests removing the word "early" from "early integration measures". The integration is long term process and it does not make any sense to limit it only to early stages. Integration is a complex process and non-complex financing of action could have very negative impact. Based on the last statement of the EC it was explained that "early integration" will not be interpreted with a time parameter however with a type of actions. It was also mentioned that from the view of DG HOME nothing changes compared to AMIF 2014-2020. That is why the CZ considers the word "early" as redundant and possibly problematic for future interpretation by different control bodies. The scope of the Fund is clearly set up by actions mentioned especially in Annex 3 and the word early is not necessary. In case the EC will insists on its position it is crucial for CZ that the term "early integration" is defined in article 2 clearly stating that it is not based on time parameter. The CZ will request the EC to clarify the differences for financing actions from AMF and ESF+.

3. **LT:** The Art. 2 (b) of the Annex II: there is no definition of "early integration".

4. **MT:** In line with the concerns raised under Article 3 (2) (b) above, MT is not convinced about the split of integration measures between the AMF and ESF+ under Cohesion Policy. MT believes that there should be one dedicated funding instrument to support integration considering the specific needs and challenges of the sector, and that this instrument should continue to be the AMF.

5. **PT:** Particular attention, and possible need for further detailed written clarification from the COM should be given to (b), n. 2 – early integration measures. Important to avoid misinterpretations and double financing with the ESF+. PT must stress its view of the importance of AMF for the support of measures, as early as the arriving stage, constituting of an appropriate early response. PT thinks that structural measures should be addressed by ESF+.

6. **SI:** Implementing measures should not be compulsory. 2 (b): we ask for the definition of "early" in social and economic integration. In connection with Article 4

- **ANNEX III: AMF**

Number of replies: 22

General attitude: positive: BG, DE, EE, HR, MT, NL, PT, RO, SE;
negative: HU, LT;
reservations: SI;
n.a.: BE, CY, CZ, EL, FI, FR, LU, LV, PL, SK;

Comments and Questions:

1. **BG:** In para 3 (g) education is included among the areas of support – clarification is necessary in order to achieve better coordination with the ESF+.

2. **The CZ:** The position towards the early integration measures the same as in Annex II. The CZ will request the EC to explain why in the part of Asylum there is mentioned only material assistance, compared to AMIF 2014-2020 where there was more types of assistance.

3. **LT:** The Art. 3 (g) of the Annex III: there is no definition of "early integration". Art.4 (h) : it is not clear if it includes the organization and execution of forced return and organizations of escorts (of officers).

4. **MT:** A clarification is requested to understand if the list of support in Annex III is a non-exhaustive list. MT believes that flexibility is necessary to address the actual needs and challenges on the ground.

5. **EE:** Integration target group (e.g. Annex III p (3)(a)) – As integration is a two-way process, it is not reasonable only to offer activities to or inform the third country nationals, therefore it is necessary to clarify whether it is possible also to involve the locals etc to some activities?

6. **LT:** Some aspects of the employment are included in the Art. 3 (b) / 4 (d) of the Annex III. Is it considered to be a complementarity with the ESF+ programme?

7. **PL:** Pt. 3g.: We would like to know which actions are eligible to be financed under the AMF, ESF+ and ERDF?

8. **SI:** The field of use introduces confusion between the boundaries, what falls under the AMF and what is under the ESS regarding integration.