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WORKING PAPER

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From:	Presidency
To:	Delegations
Subject:	Non-Paper on AMIF post 2020

Delegations will find attached the non-paper on AMIF post 2020 drafted by several Member States.

Non-Paper on AMIF post 2020*Drafted by likeminded Member States and presented by Finland*

In view of the upcoming Austrian Council Presidency and the start of negotiations on the new Multiannual Financial Framework (MFF), representatives of responsible authorities for AMIF in different Member States met for an informal working group in April 2018 and drafted this Non-Paper to highlight some important points that should be taken into account when drafting the AMIF post 2020. As the proposal of the European Commission for the new Asylum and Migration Fund (AMF) has been published on June 12th, this Non-Paper compares its content with the results of the above mentioned informal working group.

Flexibility and Subsidiarity:

“A more flexible and agile budget with a clearer and leaner architecture” – this is one of the key features of the next EU-budget mentioned by the European Commission (EC). This is also very important for the informal group of Member States. Already conducted open public consultations on EU funds in the area of migration, the workshops during the AMIF/ISF Committees, evaluations and impact assessment have shown this as well.

Points of the Informal Working Group (April 2018)	Mentioning in the Proposal for the new AMF (June 2018)	Comments by the Informal Working Group on the mentioning in the Proposal (June 2018)
Concerning the allocation process, the Member States should maintain their autonomy in choosing their priorities, because they are the most appropriate experts.	ANNEX I of the Proposal contains the allocation process with a fixed percentage to be distributed to the three specific objectives: asylum 30%, legal migration and integration 30%, countering irregular migration including returns 40%.	It should be up to Member States to decide which percentage of the total amount is distributed to the specific objectives, as there are different requirements per Member State. It is not clearly mentioned in ANNEX I, if the fixed percentages regarding the allocation also needs to be used for spending the money within Member States or not. MS would like to ask the EC to be more specific on the implementation of ANNEX I.
The distribution key should not be	Art. 14 of the Proposal for the	The members of the

based on old figures. A flexible structure with more rapidly room for manoeuvre in crisis situations would be preferable.	new AMF Regulation and ANNEX I (5) mention the Mid-Term Review and that an additional amount should be allocated to the Member States taking into account the absorption rates. The amount should be based on the latest available statistical data.	informal working group appreciate this approach. Although we are strongly in favor that the figures of the 2015-2016 crises should be taken into account. For a small country, the proportionate changes were enormous and posed a severe challenge for reception capacities. In terms of preparedness and capacity building, we need to acknowledge also the major trends of the past influx of migrants. Furthermore, Art. 14 of the Proposal for the new AMF Regulation stipulates that a MS is not eligible for additional funding if at least 10% from the initial allocation of the NP is not covered by payment requests. This is seen as a limited and restricted measure for some MS, because problems like a delay of the implementation caused by approval process of the NPs could occur. To reach the 10% goal could eventually not be realized and MS are not able to receive the additional funding.
To cope with unexpected emergencies and incidents, some kind of “financial reserve” either under the management of the EC or	Art. 9 of the Proposal for the new AMF Regulation states that emergency assistance as well as specific actions, Union actions,	In general, the members of the Working Group appreciate this approach, but there are a few open

under the national programs would be seen positive and has already been considered by the EC in their first proposal for the new MFF.	resettlement and additional support for Member States contributing to solidarity and responsibility efforts should be implemented via thematic facility and can be used more flexibly and effectively in crisis situations.	points about the new emergency mechanism. More details on the limited use of the emergency assistance as stated in the explanatory memorandum under "impact assessment" (p.12) would be needed from the EC.
„Shared Management“should be maintained and the principle of subsidiarity should be respected. The EU-priorities are the common ceiling, but under that the MS should be able to decide freely.	Art. 7 of the Proposal for the new AMF Regulation states that the Fund shall be implemented in shared, direct or indirect management. Most of the funding will be implemented through shared management, which respects the principle of subsidiarity. The Union's intervention should take place at an appropriate level and not beyond on what is necessary.	In general, the members of the Working Group agree with this approach, but would like to highlight that every Member State has its individual situation in the field of migration. These differences should be taken into account, especially when it comes to the allocation process. The criteria in Art. 1 (b) in the ANNEX I of the AMF proposal suggest that the Member States are not able to decide freely about the distribution of the resources.
A higher pre-financing rate at the beginning of the financial period would be appreciated, as it was during the SOLID Funds. Our proposal would be a rate of 50% and after the mid-term review the EC can see how the Member State's spending has been. On that basis, further rates can be allocated.	Art. 84 of the Proposal for the CPR states that the Commission shall pay pre-financing based on the total support from the Funds. The annual pre-financing rate from 2021 to 2027 should be 0.5%. The AMF Proposal foresees a pre-financing of 50% of the envelope per Member State at the beginning of the financial period. Furthermore, ANNEX I of the AMF Proposal declares that every Member State should receive a fixed amount of € 5.000.000 from the	Based on the current pre-financing mechanism the proposal seems progressive, although the members of the informal working group would request more explanation on the practical application.

	available resources (Art. 11 (a) of the AMF Proposal) at the beginning of the programming period.	
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Simplification:

Several points can be mentioned under “simplification” in terms of implementation and monitoring, auditing and reporting process. The administrative burden which is caused for example by a high number of auditing processes often hinders an efficient management of the fund. The following points are an outcome of reflections by MS on simplification:

Initial results of the Informal Working Group (April 2018)	Mentioning in the Proposal for the new AMF and in the Proposal for the CPR (May/June 2018)	Comments by the Informal Working Group on the mentioning in the Proposals (June 2018)
The harmonization of the regular calendar year and the EC's financial year would be a huge simplification for the Member States and especially the beneficiaries.	Not mentioned explicitly in the AMF Proposal, but in Art. 2 Nr. 28 of the CPR it is written that the „accounting year” should be from 01.07.n until 30.06.n+1.	The members of the informal working group keep up their pledge to either harmonize the accounting year, as understood by the EC, to the calendar year (01.01.n – 31.12.n) or to keep it the same way it is handled in the current financial period. Another change that is not in harmonization with the “normal” calendar year would cause more administrative burden, because the MS will need time to adjust to the new deadlines.
The Member States would appreciate a clear definition of tasks for the Audit Authority. It seems that every MS has issues in cooperating with their respective Audit Authority. An over-auditing seems to be common practice. The administrative burden is overwhelming for some MS and the actual work for the	Compared to the current fund, the responsibilities and tasks of the Audit Authority are more clearly defined (Art. 71-74 of the CPR). The Single Audit arrangement stated in Art. 74 of the CPR, should lead to less administrative burden. Although, the EC should offer guidance notes on how the formulations need to be	The approach of less administrative burden in case of the audit process and the more specific outline of the Audit Authority's tasks are perceived positively by the members of the informal working group.

implementation of the program must be put into the background.	interpreted. The tasks of the Audit Authority should be understood in the same way by every MS.	
A higher amount of guidelines from the EC concerning the practical implementation for measures like „Simplified Cost Options (SCO) “would be a simplification for the MS. Most of the MS are not working with SCO, because the national regulations prevent it and nobody knows how to deal with it. A guideline or regulations would make the implementation easier for the MS, because the EU regulations must be transposed into national law.	One of the main objectives of the architecture and provisions of the proposed CPR is the use of simplified cost options, what should lead to less administrative burden.	The members of the informal working group are in favor of this approach, but think that the increased use of SCOs can't be realized. The national regulations in the Member States will hinder the process and therefore guidelines on how to implement SCOs in the Member States' national law would be welcome.
Joint actions under the specific actions should be under direct management, because it would simplify the implementation. The current situation is that one Member State is responsible for the implementation and also has to carry the entire risk.	Art. 9 and 15 of the AMF Proposal put the implementation of specific actions under the new mechanism of the “thematic facility” and is still placed under shared management.	The initial pledge stays upright.
In case of integration, the participants of the working group are very much in favor of one funding instrument with clear competences and an opening of the target groups. At the last AMIF/ISF Committee meeting the Member States were informed that the long-term integration should be managed by the ESF and the	The explanatory memorandum of the AMF Proposal splits up the funding of integration measures into ESF+ and AMF. Long-term integration should be funded by the ESF+ and short-term integration by the AMF.	The members of the informal working group are not in favor of splitting up the funding of integration measures. There is a need for clarification, which fund will be responsible for what task, if AMF and ESF+ should be both managing integration. The group proposes one fund dealing with

short-term integration by the AMIF in the future. This would lead to more complication for beneficiaries, beginning with the target group question. Experiences show that the funding instruments should be as simple as possible to guarantee a successful implementation. In any case, integration should be a measure of its own and play a central part in whichever fund it will be located.		integration measures.
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