

General programme "Solidarity and Management of Migration Flows": External Borders Fund 2007-2013

2005/0047(COD) - 14/12/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved four programmes as part of the Solidarity and Management of Migration Flows framework programme. The framework aims to facilitate a fair share of responsibilities between Member States managing the external border and the implementation of common asylum and immigration policies. Four funds are created: **the External Borders Fund (COD/2005/0047), the European Refugee Fund (COD/2005/0046), the Return Fund (COD/2005/0049) and the Integration Fund (COD/2005/0048).**

The External Borders Fund (starting 1 January 2007) sets up support for sharing responsibility for external border control. It has a budget of EUR 1820 million for 2007-2013 and provides for upgrading infrastructure (e.g. border crossing points, video surveillance) along the 6,000km land and 85,000km coastline which make up the EU's external border. Supporting the development of a common visa policy is also key to tackle illegal immigration and aid bona fide travellers in the EU. This funding will compliment ongoing activities undertaken by FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU. Frontex will be allocated EUR 35 million.

The key amendments made by Parliament, following the report by Barbara **Kudrycka** (EPP-ED, PL), are as follows:

- Parliament emphasised the application of the principle of solidarity between the Member States;
- it defined "external borders" as the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports to which the provisions of Community law on crossing of external borders apply, whether these borders are temporary or not. It also inserted a definition of border crossing point;
- one of the general objectives of the Fund is uniform application by the border guards of the provisions of Community law on the crossing of external borders, in particular the Schengen Borders Code ;
- a specific objective is developing new working methods, logistical measures and state of the art technology to strengthen systematic controls of persons on entry and exit at border crossing points;
- the Fund will support the building and upgrading of areas and centres for persons, whose entry is refused and for persons who are intercepted after having crossed the border illegally or when approaching the external borders with a view to illegal entry into the territory of the Member States;
- the Fund should promote a wide variety of co-operation between the Member States, between the authorities dealing with border guard as well as visas, including common consular offices as a gradual evolvement. Stress is put on the introduction of innovative measures as regards the new technology, surveillance equipment, and the security of travel documents. Parliament emphasised the use of VIS, FADO and other European systems;

- a recital states that, in accordance with Protocol No 5 of the Lithuanian Accession Treaty on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the Fund shall bear any additional cost incurred by implementing the specific provision of the acquis provided for such transit;

- Parliament stated that, as a complement to operational cooperation developed under the aegis of the Agency and in addition to the allocation of the funds to the Member States, the Fund should also introduce the possibility for a Community response to weaknesses at strategic border points by co-financing specific actions to address these weaknesses, on the basis of a specific amount set aside each year for these actions.

- in light of the scope and the purpose of the Fund, it cannot, in any event, support actions with respect to areas and centres for holding persons in third countries;

-the criteria for allocation of the funds is broken down according to the type of borders, taking into account the flow and the levels of threat at the external borders of the Member States of the European Union. The annual distribution to Member States for eligible actions is allocated on the following basis: 30 % to the external land border; 35 % to the external maritime border; 20 % to airports; 15 % to consular offices.

- the application of the criteria will be reviewed in 2010 to enable any new circumstances arising, including in particular those resulting from changes in the external borders themselves, to be taken into account;

- due to the fact that the fund could support national measures of a Member State to implement the Schengen provisions, reaching from external borders to visa policy, at different levels and locations several authorities of a Member State might be involved. Therefore Member States are allowed to designate several certifying and audit authorities or delegated authorities as long as there is a clear allocation of functions for each of these authorities;

- bearing in mind the importance of visibility of the Community funding, the Commission will provide guidance to facilitate that any authority, non-governmental organisation, international organisation or other entity receiving a grant by the Fund properly acknowledges the support received, taking into account the practice for other instruments under shared management, such as the Structural Funds;

The other funds are:

- the **European Refugee Fund**, which will provide approximately EUR 700 million up to 2013 to support Member States in receiving refugees and displaced persons and apply consistent, fair and effective asylum procedures. Some 300 000 people apply for asylum or subsidiary protection in the EU each year.

- the **Return Fund** (starting 1 January 2008) provides EUR 676 million for 2008-2013. This emphasises voluntary return and provides funding to help Member States counsel unsuccessful applicants. It also includes measures such as joint flights with other Member States to tackle the problem of 500.000 people illegally staying in the EU a year.

- the **Integration Fund** (starting 1 January 2007) is particularly targeted at new immigrants and provides EUR 825 million to Member States to favour their integration process. It will support the forthcoming Framework Directive on the rights of legally residing migrants and projects fashioned to promote the Community integration strategy. This new instrument will also help Member States to share their experiences and best practices, thereby strengthening teamwork at European level. Programmes covering civic orientation, language, history and cultural are all supported.