

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2003/0124(COD) Procedure completed
Asylum and migration: programme for financial and technical assistance to third countries, 2004-2008 Repealed by 2004/0220(COD)	
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		10/07/2003
		PPE-DE SANTINI Giacomo	
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development and Cooperation (Associated committee)		09/07/2003
	PSE SAUQUILLO PÉREZ DEL ARCO Francisca		
	BUDG Budgets		10/07/2003
		PPE-DE NARANJO ESCOBAR Juan Andrés	
	AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2561	19/02/2004
	Agriculture and Fisheries	2555	18/12/2003
European Commission	Commission DG	Commissioner	
	Research and Innovation		

Key events			
10/06/2003	Legislative proposal published	COM(2003)0355	Summary
30/06/2003	Committee referral announced in Parliament, 1st reading		
17/11/2003	Vote in committee, 1st reading		Summary
16/11/2003	Committee report tabled for plenary, 1st reading	A5-0405/2003	
04/12/2003	Decision by Parliament, 1st reading	T5-0543/2003	Summary
19/02/2004	Act adopted by Council after Parliament's 1st reading		
10/03/2004	Final act signed		

10/03/2004	End of procedure in Parliament		
18/03/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0124(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by 2004/0220(COD)
Legal basis	EC Treaty (after Amsterdam) EC 179-p1; Rules of Procedure EP 57
Stage reached in procedure	Procedure completed

Documentation gateway					
Legislative proposal		COM(2003)0355	11/06/2003	EC	Summary
Committee draft report		PE329.910	03/10/2003	EP	
Committee opinion	BUDG	PE331.927/DEF	20/10/2003	EP	
Committee opinion	DEVE	PE326.763/DEF	24/10/2003	EP	
Amendments tabled in committee		PE329.910/AM	28/10/2003	EP	
Economic and Social Committee: opinion, report		CES1392/2003 OJ C 032 05.02.2004, p. 0049-0052	29/10/2003	ESC	
Amendments tabled in committee		PE329.923	17/11/2003	EP	
Committee report tabled for plenary, 1st reading/single reading		A5-0405/2003	17/11/2003	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0543/2003 OJ C 089 14.04.2004, p. 0032-0116 E	04/12/2003	EP	Summary

Additional information	
European Commission	EUR-Lex

Final act
Regulation 2004/491 OJ L 080 18.03.2004, p. 0001-0005 Summary

Asylum and migration: programme for financial and technical assistance to third countries, 2004-2008

PURPOSE : to establish a programme for financial and technical help to third countries to better manage migratory flows. CONTENT : the continuation, or even acceleration, of international migratory flows will have major consequences for both the EU and third countries. The Tampere and Seville European Councils spoke of the need to strengthen policies that focus on the root causes of international migration while at the same time working to strengthen the migration management capacity of third countries through reinforced specific measures. This proposal aims to provide a legal framework for a multiannual programme of co-operation with third countries in the area of migration and asylum. The general objective of this co-operation programme is to give specific and complementary financial and technical aid to third countries in order to support their efforts in better managing migratory flows in all their dimensions. It is, in particular, intended for the third

countries actively engaged in the preparation or in the implementation of a readmission agreement with the EC. The programme will contribute in the third countries concerned to the following objectives: - the development of their legislation in the field of legal immigration, in particular on admission rules, on the rights and status of persons admitted, on equal treatment of legal residents, on integration and non-discrimination as well as on measures to combat racism and xenophobia; - the development of regular migration taking account of the demographic, economic and social situation in the countries of origin and in the host countries; - the development of their legislation and national practices as regards international protection, with a view to satisfying the provisions of the Geneva Convention of 1951 on the status of refugees and of the Protocol of 1967 and other relevant international instruments, to ensuring the respect of the principle of " non refoulement " and to improving the capacity of the third countries receiving asylum seekers and refugees; - the establishment in the third countries concerned of an effective and preventive policy in the fight against illegal migration, including in particular the fight against trafficking in human beings and smuggling of migrants, - the orderly readmission and durable re-integration of persons who have illegally entered or remained on the territory of the EU into the third country. The proposal lists the kind of actions, which will be financed. These include: - setting up information campaigns on the consequences of illegal immigration and of clandestine employment in the EU; - dissemination of information on the possibilities of working legally in the EU and on the procedures to be followed to this end; - development of actions aimed at maintaining links between the local communities in the country of origin and their emigrants. The target population is chiefly: - people in third countries wishing to emigrate; - staff of third countries working in the field of asylum and migration; - the authorities in third countries responsible for asylum and migration and the management of borders; - third-country nationals being readmitted or having opted for voluntary return; - refugees and persons seeking international protection. Organisations eligible for financial support include NGOs and UN agencies. The financial reference amount for the implementation of the Regulation is EUR 250 million. The programme will run from 2004 to 2008.?

Asylum and migration: programme for financial and technical assistance to third countries, 2004-2008

The committee adopted the report by Giacomo SANTINI (EPP/ED, I) amending the proposal under the 1st reading of the codecision procedure. It said that, while the programme should serve to encourage the signing of readmission agreements, other third countries which are the source of migrating flows must not be excluded. Moreover, actions funded under the programme should include the management of migratory flows and the return and reintegration of migrants in their country of origin. There should be consistency with the Community efforts which contribute to addressing the root causes of migration. MEPs also adopted a series of amendments aimed at clarifying the objectives of the programme: - to develop legal migration to the EU, in accordance with the host countries' reception capacity, and to raise public awareness of the advantages of legal migration and the consequences of illegal migration; - to help third countries develop legislation with regard to illegal migration, trafficking in human beings and the smuggling of migrants; - the readmission, in the full respect of law, of illegal immigrants or persons who have unsuccessfully undergone an asylum procedure in the EU; - to provide information and legal advice on the consequences of illegal immigration, including trafficking in human beings and the smuggling of migrants; - to provide information and legal advice on the possibilities of working legally in the EU on both a short- and long-term basis; - to improve third countries' capacities to implement border controls, including by means of operational cooperation. Lastly, the committee said that Community co-financing of an action under this programme should not exceed 80% of total cost. ?

Asylum and migration: programme for financial and technical assistance to third countries, 2004-2008

The European Parliament adopted a resolution drafted by Giacomo SANTINI (EPP/ED, Italy) making some amendments to the Commission's proposals. (Please see the summary dated 17/11/03.) Parliament added that: - actions should include maintaining links between the local communities in the country of origin and their legal emigrants and facilitating the migrant contribution to the social and economic development of communities in their country of origin, including a facilitated utilisation of the remittances for productive investments and development initiatives as well as through support to microcredits programmes; - there should also support for targeted socio-economic reintegration of the returned persons into their country of origin, including the training and capacity building aimed at facilitating their integration into the labour market; - the financial framework for the Regulation for the period from 1 January 2004 to 31 December 2008 is set at EUR 250 million, of which EUR 120 million is for the period until 31 December 2006; -for the period following 31 December 2006, the amount will be deemed to be confirmed if it is consistent for this phase with the financial perspectives in force for the period commencing in 2007, in light of information available under the provisions of the act.?

Asylum and migration: programme for financial and technical assistance to third countries, 2004-2008

PURPOSE : to establish a cooperation programme which aims to give specific and complementary financial and technical aid to third countries. LEGISLATIVE ACT : Regulation 491/2004/EC of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS). CONTENT : this Regulation gives a legal framework as well as increased appropriations to the preparatory actions carried out in partnership with the countries and regions of origin and transit in connection with issues of migration and asylum and financed from budget line B7-667 since 2001. The multiannual programme established by the Regulation will cover the period 2004 to 2008. The financial framework for the implementation of this Regulation is set at EUR 250 million, of which EUR 120 is for the period until 1 December 2006. It is designed to provide a specific, additional response to the needs of third countries in their efforts to manage more effectively all aspects of migratory flows. With this Regulation, the Community establishes a cooperation programme which aims to give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows in all their dimensions. The programme is particularly, but not exclusively, intended for those third countries actively engaged in preparing or implementing a readmission agreement initialled, signed or concluded with the European Community. The programme shall finance appropriate actions which bring together, in a coherent and complementary way, the general principles of Community cooperation and development policy and national and regional Community cooperation and development strategies regarding the third countries concerned and which supplement the actions - in particular in the fields of management of migratory

flows, return and reintegration of migrants in their country of origin, asylum, border control, refugees and displaced people - provided for in the implementation of those strategies and financed from other Community instruments in the field of cooperation and development. The actions financed on the basis of the programme shall be consistent with the Community efforts which contribute to addressing the root causes of migration. The respect of democratic principles and the rule of law, as well as of human and minority rights and fundamental freedoms, constitutes an essential element for the application of this Regulation. If necessary, and as far as possible, the actions financed under this Regulation shall be associated with measures aimed at strengthening democracy, human rights and the rule of law. The programme aims to promote cooperation between the Community and third countries by contributing in the third countries concerned, and in partnership with those countries, to the following objectives: - the development of their legislation in the field of legal immigration, in particular as regards admission rules, the rights and status of persons admitted, equal treatment of legal residents, integration and non-discrimination as well as measures to combat racism and xenophobia; - the development of legal migration, in accordance with an analysis of the demographic, economic and social situation in the countries of origin and in the host countries and of the host countries' reception capacity; - the development of their legislation and national practices as regards international protection; - the establishment in the third countries concerned of an effective and preventive policy in the fight against illegal migration, including the fight against trafficking in human beings and smuggling of migrants, and the development of relevant legislation; - the readmission, in full respect of the law, and durable reintegration, into the third country concerned of persons who have illegally entered or remained on the territory of Member States or of persons who have unsuccessfully applied for asylum in the European Union or benefited from international protection there. In order to achieve these objectives, the programme may in particular support the following actions: - setting-up of information campaigns, and provision of legal advice, on the consequences of illegal immigration, trafficking in human beings and smuggling of migrants, and clandestine employment in the Union; - dissemination of information and legal advice on the possibilities of working legally in the European Union, both on a short and long-term basis, and on the procedures to be followed to this end; - development of actions aimed at maintaining links between local communities in the country of origin and their legal emigrants and facilitating the contribution of migrants to the social and economic development of communities in their country of origin; - facilitation of dialogue and exchange of information between the institutions of the third country and the nationals of that country who are considering emigrating; - support for capacity-building in the field of drafting, implementing and ensuring the effectiveness of national legislation and management systems as regards asylum, migration and the fight against criminal activities, including organised crime and corruption, connected with illegal immigration, and development of the training of staff working in the areas of migration and asylum; - evaluation, and possible improvement, of the institutional and administrative framework and of the capacity to implement border controls as well as improvement in the management of border controls, including by means of operational cooperation; - capacity-building in the areas of security of travel documents and visas, including their conditions of issue, identification and documentation of illegal migrants, including own nationals, and detection of false documents and visas; - introduction of systems for data collection; observation and analysis of migratory phenomena; identification of the root causes of migratory movements and the definition of measures aimed at tackling them; facilitation of the exchange of information on migratory movements, in particular on migratory flows towards the European Union; - development of regional and subregional dialogue on asylum and migration, including illegal migration; - assistance in the negotiation by the third countries concerned of their own readmission agreements with relevant countries; - support for capacity-building in the third countries concerned in the fields of reception conditions and protection capacity for asylum seekers, of readmission and the durable reintegration of returnees and of resettlement programmes; - support for targeted socioeconomic reintegration of returnees into their country of origin, including training and capacity-building aimed at facilitating their integration into the labour market. The Community co-financing of an action under the programme shall not exceed 80 %. It shall be exclusive of any other financing by another programme financed by the general budget of the European Union. The Commission shall take any necessary initiative with a view to ensuring proper coordination with other donors. The Commission shall ensure overall consistency and complementarity with other relevant Community policies, instruments, actions and programmes. In order to strengthen consistency and complementarity between actions financed by the Community and those financed by Member States with the aim of guaranteeing optimal effectiveness of these actions, the Commission shall take all necessary coordination measures. The work programme must be consistent with and complementary to the Country Strategy Papers and the Regional Strategy Papers and the development cooperation programmes drawn up in the framework of the Community policy for cooperation and development. The Commission shall constantly monitor and regularly evaluate the implementation of the programme. The Commission shall submit a preliminary interim evaluation report to the European Parliament and the Council on the implementation of the programme by 31 December 2006 at the latest, and a final report by 31 December 2010 at the latest. In addition, the Commission shall communicate to the budgetary authority, at the same time as the preliminary draft general budget of the European Union is presented, the state of implementation of the programme. ENTRY INTO FORCE : 19 March 2004. The Programme shall operate from 1 January 2004 to 31 December 2008.?