

Procedure file

Basic information		
CNS - Consultation procedure Decision	2004/0032(CNS)	Procedure completed
European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		19/02/2004
		PPE-DE DEPREZ Gérard	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
	BUDG Budgets		09/03/2004
Council of the European Union		V/ALE BUITENWEG Kathalijne Maria	
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
	DEVE Development and Cooperation	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2626	02/12/2004
	Justice and Home Affairs (JHA)	2588	08/06/2004
European Commission	Commission DG	Commissioner	
	Justice and Consumers		

Key events			
12/02/2004	Legislative proposal published	COM(2004)0102	Summary
25/02/2004	Committee referral announced in Parliament		
06/04/2004	Vote in committee		
06/04/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0267/2004	
20/04/2004	Decision by Parliament	T5-0307/2004	Summary

02/12/2004	Act adopted by Council after consultation of Parliament		
02/12/2004	End of procedure in Parliament		
28/12/2004	Final act published in Official Journal		

Technical information

Procedure reference	2004/0032(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 063-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/20716

Documentation gateway

Legislative proposal		COM(2004)0102	12/02/2004	EC	Summary
Document attached to the procedure		SEC(2004)0161	12/02/2004	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0267/2004	06/04/2004	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0307/2004 OJ C 104 30.04.2004, p. 0038-0395 E	20/04/2004	EP	Summary
Economic and Social Committee: opinion, report		CES0850/2004 OJ C 241 28.09.2004, p. 0027-0031	02/06/2004	ESC	
Committee of the Regions: opinion		CDR0080/2004 OJ C 318 22.12.2004, p. 0030-0036	17/06/2004	CofR	
Implementing legislative act		32006D0399 OJ L 162 14.06.2006, p. 0001-0010	20/01/2006	EU	Summary
Implementing legislative act		32006D0400 OJ L 162 14.06.2006, p. 0011-0019	20/01/2006	EU	Summary
Implementing legislative act		32006D0401 OJ L 162 14.06.2006, p. 0020-0077	20/01/2006	EU	Summary
Follow-up document		SEC(2008)0041	17/01/2008	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Decision 2004/904](#)
[OJ L 381 28.12.2004, p. 0052-0062](#) Summary

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

PURPOSE : The establishment of a European Refugee Fund for 2005-2012. **PROPOSED ACT :** Council Decision. **CONTENT :** The European Refugee Fund was established in 2000 and is set to last until the end of 2005. It was the first asylum policy measure to be adopted on the basis of the Treaty of Amsterdam. Its main purpose has been to lay the foundations for collective action by the Community for the reception of asylum-seekers and people requiring international protection. And yet, when the fund was first created in 2000 the European Union did not possess a coherent body of legislation in the field of asylum. This is no longer the case and the EU has, or is in the throes of, adopting a number of asylum measures designed to complement and harmonise provisions in the field of asylum. According to the Commission this trend makes the need for continuing with the Fund all the more urgent. The presentation of a proposal to renew the European Refugee Fund for a further six years was done on the basis of mid-term reviews and wide consultations with Member States and all interested parties. Results from the mid-term review indicate that the Member States benefiting most from the ERF are Germany, the United Kingdom, France and the Netherlands. Together they accounted for around 64% of the total. Between 2000-2002 an estimated 250 000 - 350 000 asylum seekers or people who enjoy some form of international protection benefited directly or indirectly from the projects co-financed by the Fund.. For the second phase of ERF financing the Commission proposes that the EU's recent secondary legislation on asylum policy must be taken into account. The programme, it is proposed, will last for six years to be split into two multi-annual programmes lasting three years each. This split will make it possible to review the new financial perspectives for 2007 and what impact that will have on the Fund. The same target group defined in the first phase of the ERF will be retained but a clearer definition for people admitted into the EU for international protection reasons will be added. The three main types of measures described in the first ERF namely: reception and asylum procedures; integration and voluntary returns, will remain but come with clearer definitions. A new element to the proposed ERF II is the proposed increase from 5% to 10% for measures benefiting the whole of the Community. Community action will concentrate on best practice, more trans-national projects, dialogue and information on project results. This proposal is based on the mid-term evaluation, which concluded that the Commission needed to play a greater role in the planning and pooling of information and on the implementation phase of the projects. At the same time, measures will be taken to simplify the management framework and ensure greater coherence and interoperability between management systems and information systems. Further, the Commission will retain responsibility for examining and approving the multi-annual programmes as well as the annual implications for co-financing. Two financial phases are envisaged. The first from 2005-2007 when the amounts allocated would be broadly similar to those in the current phase but with a slight increase. The second would be from 2008-2010 when there would be a sizeable increase in the allocations - depending on the new financial perspective. The principle of an adjustment in the form of a fixed grant should also be retained. It is proposed to raise the fixed amount to EUR 300 000 for the management of the Fund and abolishing the digressive element built into ERF I. Special aid for the new Member States for the first three years of ERF II would be raised to EUR 500 000. **FINANCIAL IMPLICATIONS:** - Budget headings concerned: 18 03 03 - European Refugee Fund; 18 03 04 - Emergency measure in the event of mass influxes of refugees; 18 01 04 02 - European Refugee Fund - Expenditure on administrative management; 18 01 04 03 Emergency measures in the event of mass influxes of refugees - Expenditure on administrative measures. - Total allocation for action (Part B): EUR 670 090 million due commitment (Appropriations for 2007-2010 are given as an indicative basis and will have to remain within the post-2006 financial perspective. - Period of application: 2005-2010. - Impact on staff: 12 permanent A (multi-annual priorities); 13 permanent B (monitoring of annual programmes of action in the Member States); 5 permanent C (administrative assistance).?

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

COMMISSION'S IMPACT ASSESSMENT

For further information concerning the background to this issue, please refer to the summary of the Commission's initial proposal of 12/02/2004 for a *Council Decision establishing the European Refugee Fund for the period 2005-2010* ? COM(2004)0102.

1- POLICY OPTIONS AND IMPACTS

Four policy options were considered in the Commission's impact assessment.

1.1- Option 1 - to abandon the European Refugee Fund as a separate Financial solidarity initiative: Measures aimed at refugees and asylum seekers would be mainstreamed into existing Community instruments such as the European Social Fund. With this option, specific initiatives would be sought in the actions of and the Community initiatives under the European Social Fund for the target population of asylum seekers and refugees. The advantages of this option would lie in the existence of an integrated treatment of the target population through a single instrument, and a 'guichet unique' for actions aimed at integration of refugees and asylum seekers into the European labour market and European society. However, the role of such an instrument as an accompanying measure to the progressive implementation of a Common Asylum Policy (including asylum procedures) would be lost.

1.2- Option 2 - the continuation of the European Refugee Fund: This would be as a purely redistributive financial instrument covering the needs identified and expressed by the Member States. In this option, the ERF would mainly act as a redistributive mechanism, based on the number of persons within the target group registered or admitted in each Member State. Each Member State would then invest the funds in accordance with its identified needs and priorities, based purely on national strategy. This option, which is, in essence, the one adopted for the first phase of the European Refugee Fund, would have the advantage of reflecting closely on the reality of needs in the field, and would be easier to manage at Community / Commission level. However, the mid-term review showed the limits of such an approach, which acts mainly as a financial compensation instrument and has little or no impact on improvement of coordination and convergence of national policies in the context of a Common European Asylum policy.

1.3- Option 3 - a completely centralised financial instrument where the Commission would both identify needs and priorities at a European level: This would select and co finance actions to be supported to encourage actions that correspond to needs at Community level. In view of the limitations identified in point 1.2 with regard to the first phase of the ERF, one could be tempted to refocus completely the financial support towards projects with a strong European added value and transnational impact, in order to ensure full adequacy of actions supported to the common standards developed. However, this approach would prove difficult to manage at EU level due to the level of human resources required and would run the risk of a disconnection between objectives and targets set at EU level and the actual needs of the target population and actors in the field (governments, NGOs, regional and local authorities) in the Member States.

1.4- Option 4 - a more strategic 'solidarity' instrument: This would have a reinforced link to European asylum policy, and greater cooperation and cross-fertilisation dimension at national and European level. It would encourage a progressive convergence and consistency not only of

legislation, but also of material and social conditions for the reception, the integration and the return of asylum seekers, refugees and displaced persons. In addition, strong and supportive actions at EU level would be supported, disseminated and discussed, in order to bring out innovative new approaches or methods and mainstream them into national policies and systems.

CONCLUSION: Option 4, which is the one chosen by the Commission, aims at correcting the weaknesses identified with the first phase of the ERF, building on the progressive establishment of a common asylum policy and the common European asylum system, and recognising the still wide diversity of asylum systems between Member States.

IMPACTS

For final beneficiaries (asylum seekers and refugees):

- reception conditions and asylum procedures: improvement in quality / quantity of material reception conditions for persons seeking protection, fairer and more effective asylum procedures;
- integration: decrease in dependence on social welfare, improved access to the labour market for refugees enabling them to support themselves at an earlier stage, increased participation in social life through civil society organisations and other relevant channels, improved well-being and self-esteem;
- voluntary return: changed or improved conditions enabling refugees and asylum seekers to return home in a sustainable way, development of skills of returnees with a positive impact on the country of origin.

For Member States:

- contribution to the economic responsibility undertaken by the Member State in relation to the reception of asylum seekers and refugees and implementation of a common asylum policy;
- contribution to changes in processes / policies by development of higher standards, fairer and more effective asylum procedures, reduction of the length of asylum procedures, improvement of reception, integration and return capacity, improvement of qualification of staff, exchanges of experiences and best practices at EU level.

For partners of asylum policy (NGO, Refugee Community Organisations, local and regional authorities):

- capacity building and development of new services and greater involvement of self-help organisations;
- improvement of qualification of staff, increased cooperation of services / structures in developing capacity in the area of reception.

For EU citizens:

- awareness raising to the issue of refugees and asylum seekers;
- better acceptance of reception centres by local communities.

2- FOLLOW-UP

Several national and Community evaluations are planned, based around the multiannual programming schedule of the Fund, which is divided into two programming periods: 2005-2007 and 2008-2009. The timetable of evaluations set out in the proposal for a Decision is as follows:

- 31 December 2006: Member States submit national reports with an evaluation of the implementation of action under the Fund. This is followed by a Commission report pooling these evaluations no later than 30 April 2007. Given the deadline, the reports will concentrate primarily on the state of play in implementing programmes and action: it is unlikely that a detailed evaluation of the results and impact of action will be possible at that date. Nevertheless, the reports are necessary to prepare the second multiannual phase of the Fund (2008-2010).
- 30 June 2009: Member States submit national reports on the evaluation of action under the Fund for the 2005-2007 multiannual programming period. The Commission will then produce an intermediate evaluation report by 31 December 2009 at the latest, accompanied by a proposal for pursuing action under the Fund from 2011.
- 30 June 2012: Member States submit national reports with an *ex post* evaluation of action under the Fund for the 2008-2010 multiannual programming period, and an overall *ex post* evaluation of action. Commission will then produce an *ex post* evaluation report by 31 December 2012 at the latest.

Both the national and Community evaluations will be based on independent assessments conducted according to the terms of reference drawn up by the Commission under Article 26(2) of the proposal for a Decision.

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

The European Parliament adopted a resolution drafted by Gérard DEPREZ (EPP-ED, B), making some amendments to the proposal. Parliament decided to cut the fixed annual allocation per Member State from EUR 300 000 to EUR 150 000. It also stated that the second phase of the Fund goes beyond the current Financial Perspective. A re-assessment of the Fund's financial endowment in view of its compatibility with the new financial framework is therefore required. An amendment was inserted stating that in the context of the budgetary procedure for 2007, the Commission shall indicate, by 1 May 2006 at the latest, whether the indicative amounts for 2007-2010 are compatible with the new financial perspectives. If necessary, and taking account of the real needs established at that time, the Commission shall submit to the budgetary authority a proposal to revise the appropriations to be made available to the Fund. Parliament provided a more explicit definition of "vulnerable groups" that should be supported, mentioning victims of rape, torture, trafficking and sexual abuse. It also expanded the list of integration support measures to be funded. It stated that the Fund shall not support the forced return of rejected asylum seekers. Finally, the responsible authority shall call on a national advisory committee to define the objectives and priorities of the Fund and its general strategy. The advisory committee shall be composed of representatives of the government, local authorities, voluntary organisations, social partners, the UNHCR and higher-education institutes.?

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

PURPOSE: Decision renewing for the period 2005-2010 a European Refugee Fund.

LEGISLATIVE ACT: Council Decision 2004/904/EC

CONTENT: The Council adopted a Decision renewing for the period 2005-2010 a European Refugee Fund in support of asylum policy measures taken by Member States.

The Fund, following on the financing during the period 2000-2004 will support actions for helping third-country nationals or stateless persons mainly as regards:

- reception conditions and asylum procedures;
- integration of persons whose stay in the Member State is of a lasting and stable nature; and
- voluntary return of persons provided they have not acquired a new nationality and have not left the territory of the Member State.

Projects in Member States will be implemented on the basis of multiannual programmes and priorities according to guidelines adopted by the Commission.

The financial reference amount for the implementation of the Fund for 2005 and 2006 is set at EUR 114 million.

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

LEGISLATIVE ACT : Commission Decision 2006/401/EC laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund

CONTENT : to ensure sound financial management of the assistance granted from the European Refugee Fund, the commission has adopted a series of common guidelines for the organisation of the tasks of the authorities responsible for implementing co-financed actions.

To ensure that the Community funds are utilised in accordance with the principles of sound financial management, the Commission introduces management and control systems that provide a sufficient audit trail, and lend the Commission any assistance it requires to carry out checks, especially sample checks.

At the same time, in order to ensure that Community funds are used efficiently and appropriately, uniform criteria are established for the checks carried out by the Member States under Article 25 of Decision 2004/904/EC.

Finally, a model declaration of expenditure is produced, in order to ensure uniform treatment of the declarations of expenditure for which assistance is requested from the Fund under Article 24 of Decision 2004/904/EC. The annex contains a model of the declaration.

These rules do not concern Denmark, which does not take part in Decision 2004/904/EC and in consequence, is not affected by this Decision. On the other hand, the United Kingdom and Ireland are both bound by this Decision.

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

LEGISLATIVE ACT : Commission Decision 2006/399/CE laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards the eligibility of expenditure within the framework of actions co-financed by the European Refugee Fund implemented in the Member States.

CONTENT : In order to ensure the efficient implementation of the European Refugee Fund in the Member States, in accordance with the principles of sound financial management, the Commission has adopted a series of common rules on the eligibility of expenditure from the Fund.

Both the United Kingdom and Ireland take part in Decision 2004/904/EC and by consequence in this present decision. By contrast, Denmark is not bound by Decision 2004/904/EC and does not part in this Decision.

This Decision applies to the co-financing of actions provided for in Articles 5, 6 and 7 of Decision 2004/904/EC, which are managed by the Member States. The rules set out in the Annex to this Decision will be used to determine the eligibility of expenditure of actions financed under the annual programmes referred to in Article 16 of Decision 2004/904/EC, and include the following:

- categories of eligible costs (at project level);
- ineligible expenditure;
- categories of management, implementation, monitoring and control expenditure eligible for financing under technical and administrative assistance.

It should be noted that Member States may apply national eligibility rules that are more rigorous than those prescribed in this Decision.

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

LEGISLATIVE ACT : Commission Decision laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund.

CONTENT : to allow recovery of amounts unduly paid, Member States should inform the Commission of cases of irregularities detected and the progress of administrative or legal proceedings.

Article 25(2) of Decision 2004/904/EC lays down that Member States must make the financial corrections required in connection with the individual or systemic irregularity by cancelling all or part of the Community contribution. To ensure that this provision is applied uniformly throughout the Community, this Decision lays down rules for determining the corrections to be made and to provide for the Commission to be informed.

If a Member State fails to comply with its obligations under Article 25 of Decision 2004/904/EC the Commission may itself make the financial corrections required. To ensure that this provision is applied by the Commission in a transparent manner, rules are laid down for determining the corrections to be made by the Commission and to provide for the Member States' right to submit comments.

These rules, which are laid down in an annex to this Decision, do not concern Denmark, which does not take part in Decision 2004/904/EC and by consequence in this Decision. On the other hand, the United Kingdom and Ireland are both bound by this Decision, as they are by Decision 2004/904/EC.

The Annex lays down guidelines on the principles, criteria, and indicative scales to be applied by Commission departments in determining financial corrections.

European Refugee Fund: period 2005-2010 (Decision 2000/596/EC)

The purpose of this paper is to offer an intermediate report on the implementation of the European Refugee Fund in 2005 and 2006. To recall, in 2004 three important new features were adopted regarding the Regulation's management and implementation namely: i) the adoption of the strategic guidelines; ii) the introduction of more precise management and control systems; and iii) the setting up of provisions facilitating the take-up of programme funding.

The report is divided into three parts: Part I is an overview of the budgetary and financial implementation of the Fund in 2005 and 2006; Part II analyses national implementation of programmes that are co-financed by the Fund; Part III sets out a number of comments and recommendations on the Fund's implementation. The findings of this study are based, by and large, on data sent to the Commission by the Member States. The Commission stresses that the report is not an evaluation of the Regulation, rather an analysis of its implementation and management.

Budgetary and financial implementation of the Fund: 2005/06:

For the period 2005/06 the Fund was allocated EUR 114 million. The budget appropriations made available from the Fund for national programmes amounted to ?43 200 593.14 in 2005 and ?46 288 323.78 in 2006. The amounts actually committed for programmes approved by the Commission were ?43 169 204.71 in 2005 and ?45 200 066.41 in 2006. Overall, nearly all the budget resources available to national programmes have been used up (99.9% in 2005 and 96.9% in 2006). The very small difference between budget appropriations and the amounts actually used is explained as follows: in 2005, the Slovak Republic did not use a small part of its allocation and, in 2006, Ireland and the United Kingdom were in the same situation. When the additional resources, provided by the national, regional and local budgets and by the beneficiaries themselves, are added to the contribution from the Fund, the total costs of all operations funded through the national programmes amounted to ?83 303 061.17 in 2005 and ?91 326 598.10 in 2006. Over the two years (2005 and 2006) taken together, in the EU as a whole, the ERF contributed to operations with total costs of more than ?174 million

The United Kingdom, Germany and France were the three main beneficiaries of the Fund. 41% of actions concerned reception and asylum procedures; 30% was dedicated to integration and 29% was dedicated to voluntary return. The figures indicate that for this reporting period there was a slight increase in spending on voluntary returns.

Implementation of the national programmes: 2005/06:

This part of the report focuses on an overview of the national programmes; it analyses their implementation and it assesses how the Member States implemented their programmes. Three main activities were funded by the Member States: Reception and asylum procedures; Integration and Voluntary Return. Although many Member States experienced problems in the implementation of the programmes, their overall assessment of the Fund was positive. Several Member States indicated that the ERF provides real added value in terms of supporting asylum seekers and refugees, given that many of the activities promoted by the Fund are not provided at national level. Further, in many Member States the multi-annual approach is considered a very useful tool. Further, some Member States report that they have increased their internal capacity to manage and implement the European Refugee Fund, by way of greater resources that have been made available for Technical Assistance.

Conclusions and recommendations:

The main conclusion to be drawn from the implementation of the ERF during the second programming phase is that the Fund has gained a high level of acceptance and support, as well as much political recognition. The problems that have been encountered relate, mostly, to implementation problems related to the somewhat delayed implementation framework at an EU level. It should be stressed, however, that this was connected to the need for the Commission to set up the strategic framework required under the basic act. For its part, the Commission has made every effort to ensure that the legal provisions for the Fund's correct and proper implementation have been put in place.