

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2005/0049(COD) Procedure completed
General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013	
Repealed by 2011/0366(COD) Amended by 2012/0252(COD)	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 Civil Liberties, Justice and Home Affairs	PPE-DE KUDRYCKA Barbara	06/06/2005
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs	Verts/ALE ŽDANOKA Tatjana	21/07/2005
European Parliament	DEVE Development	PPE-DE FERNÁNDEZ MARTÍN Fernando	31/08/2005
	BUDG Budgets	ALDE DEPREZ Gérard	09/06/2005
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries Justice and Home Affairs (JHA)	2797 2683	07/05/2007 12/10/2005
European Commission	Commission DG Justice and Consumers	Commissioner FRATTINI Franco	

Key events			
06/04/2005	Legislative proposal published	COM(2005)0123	Summary
22/06/2005	Committee referral announced in Parliament, 1st reading		
12/10/2005	Resolution/conclusions adopted by Council		Summary

06/11/2006	Vote in committee, 1st reading		
28/11/2006	Committee report tabled for plenary, 1st reading	A6-0425/2006	
14/12/2006	Results of vote in Parliament		
14/12/2006	Decision by Parliament, 1st reading	T6-0591/2006	Summary
07/05/2007	Act adopted by Council after Parliament's 1st reading		
23/05/2007	Final act signed		
23/05/2007	End of procedure in Parliament		
06/06/2007	Final act published in Official Journal		

Technical information

Procedure reference	2005/0049(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Repealed by 2011/0366(COD) Amended by 2012/0252(COD)
Legal basis	EC Treaty (after Amsterdam) EC 063-p3b
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27951

Documentation gateway

Legislative proposal		COM(2005)0123	06/04/2005	EC	Summary
Document attached to the procedure		SEC(2005)0435	06/04/2005	EC	
Committee of the Regions: opinion		CDR0144/2005	16/11/2005	CofR	
Committee opinion	DEVE	PE364.914	01/02/2006	EP	
Committee draft report		PE368.065	07/02/2006	EP	
Economic and Social Committee: opinion, report		CES0234/2006	14/02/2006	ESC	
Amendments tabled in committee		PE370.171	09/03/2006	EP	
Committee opinion	AFET	PE369.926	24/03/2006	EP	
Committee opinion	BUDG	PE367.621	28/03/2006	EP	
Supplementary legislative basic document		COM(2005)0123/2	24/05/2006	EC	Summary
Document attached to the procedure		COM(2006)0239	24/05/2006	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0425/2006	28/11/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0591/2006	14/12/2006	EP	Summary

Commission response to text adopted in plenary		SP(2007)0303	24/01/2007	EC	
Draft final act		03692/1/2006	23/05/2007	CSL	
Follow-up document		COM(2011)0448	20/07/2011	EC	Summary
Follow-up document		SEC(2011)0940	20/07/2011	EC	
Follow-up document		COM(2011)0858	09/12/2011	EC	Summary
Follow-up document		C(2011)9771	22/12/2011	EC	
Follow-up document		COM(2014)0230	23/04/2014	EC	Summary
Follow-up document		COM(2018)0456	12/06/2018	EC	Summary
Follow-up document		SWD(2018)0335	12/06/2018	EC	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Decision 2007/575](#)
[OJ L 144 06.06.2007, p. 0045](#) Summary

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

PURPOSE: proposal to establish the European Return Fund for the period 2007-2013 as part of the General programme "Solidarity and Management of Migration Flows".

PROPOSED ACT: Decision of the European Parliament and of the Council.

CONTEXT: The Communication establishing a Framework programme on "Solidarity and the management of migration flows" is part of a coherent set of proposals aiming at providing an adequate support to an area of freedom, security and justice under the financial perspectives 2007-2013. Indeed, the three key objectives of freedom, security and justice are to be developed in parallel and to the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms, and the rule of law. Each of these objectives is supported by a Framework programme, providing for the necessary coherence between relevant interventions in each policy area, and clearly linking political objectives and the resources available to support them. Furthermore, this structure represents a major simplification and rationalisation of existing financial support in the area of freedom, justice and security, thus allowing for greater flexibility in the allocation of priorities and increasing overall transparency.

The key objective for the "Solidarity and management of migration flows" general programme is as follows: to support the principle of solidarity in managing people flows by ensuring a fair share of responsibilities between Member States as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders and from the implementation of common policies on asylum and immigration.

This solidarity will support the implementation of Community legislation relating to four complementary dimensions of management of migration flows:

- integrated management of external borders, in order to ensure an equivalent and uniform level of protection at the external borders;
- asylum policy, as is already the case under the European Refugee Fund in order to support the development and implementation of a common European asylum policy based on solidarity between Member States and promote a balance in the efforts made by Member States in bearing the consequences of receiving refugees and displaced persons;
- fight against illegal immigration, and in particular the return of illegally resident third country nationals in the EU or persons irregularly migrating towards the EU;
- admission and integration of third country nationals, in particular as regards their social, civic and cultural integration, in order to enable them to settle and take actively part in all aspects of European societies.

Consequently, four Funds are set up as part of the framework programme.

(Please also see proposals under procedure references COD/2005/0047, CNS/2005/0048, and COD/2005/0046.)

CONTENT: The return of third country nationals who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the Member States of the European Union

either because they entered illegally or overstayed their visa or residence permit, or because their asylum claim has been finally rejected is essential. In practice, however, putting into effect return policy is a considerable challenge, in particular for Member States with relatively low GDP's and little experience. Return management is a complex process: it requires the development of good working relationships with the countries of return, whilst balancing individual rights and humanitarian considerations with the state interest in law enforcement. Illegal situations are often de facto allowed to continue and Member States tend to incur substantial and ongoing costs in detaining the people

concerned for long periods as well as in engaging in protracted legal battles over their removal.

The Commission foresees that action at EU level will have a number of positive effects, including:

- ensuring the common implementation of effective procedures for the return of illegal migrants, which also protect their basic rights and human dignity;
- promoting the adoption of best practices in this regard as well as with regard to the measures taken to provide incentives to the people concerned to return to their country of origin voluntarily;
- encouraging a more intensive exchange of information between Member States on the national initiatives developed, the challenges relating to returns and the management of complex return processes, as well as the relations with third countries in this regard;
- enhancing cost-effectiveness of return measures through joint operations.

The main objectives of the Fund are the following:

- The introduction and improvement of the organisation and implementation of integrated return management by Member States;
- The enhancement of the co-operation between Member States in the framework of integrated return management and its implementation;
- The promotion of an effective and uniform application of common standards on return according to the policy development in the field.

The Fund would in principle cover the return of both immigrants and asylum seekers who have received a negative decision.

Financing return measures for rejected asylum seekers under the European Refugee Fund shall become ineligible only from 1 January 2008, in order to allow for the full implementation of the first multiannual programming cycle under the current decision. This year the Commission will initiate preparatory actions in the area of return. The preparatory actions will take place in 2005 and 2006. In order to take into account as much as possible the (first) results of these preparatory actions, it is proposed to start the implementation of the Fund only in 2008. Consequently, there is no funding foreseen in 2007.

Each Member State will receive a fixed amount of EUR 300.000 from the Fund's annual allocation.

This amount will be fixed at EUR 500.000 per annum for the period 2007-2013 for the states which acceded to the European Union on 1 May 2004. This amount will be fixed at EUR 500.000 per annum for Member States which will accede to the European Union in the period 2007 - 2013 for the remaining part of the period 2007 - 2013 following the year of their accession. The remainder of the available annual resources shall be broken down between the Member States as follows:

- 70 % in proportion to the total number of third country nationals illegally residing or having resided illegally in the territory of the Member State and who are subject to a return decision under national and Community law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return, over the previous three years;

- 30% in proportion to the number of third country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion over the previous three years.

The financial allocation for the Fund under the Financial Perspectives proposed by the Commission for the 2008-2013 period is EUR 759 million.

This proposal is one of four draft decisions which comprise the framework programme "Solidarity and management of migration flows". (Please refer to COM(2005)0123). Four Funds are set up as part of the framework programme.

The proposal on the Integration Fund, along with the draft decisions establishing the External Border Fund (COD/2005/0047), the European Refugee Fund (COD/2005/0046) and the Integration Fund (CNS/2005/0048) provides for the creation of mechanisms ensuring a coherent approach of the programming, implementation and evaluation of the four instruments.

For further information concerning the financial implications of this measure, please refer to the financial statement.

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

The Council adopted the following conclusions in which it considered that:

1. Return management is an essential element of a comprehensive approach to the efficient management of migration flows. Furthermore, within the broader framework of a coherent migration policy, it can prove beneficial to the host country, the country of return and the persons concerned. Voluntary return is an important component of a balanced, effective and sustainable approach to the return and, where applicable, reintegration of unsuccessful asylum seekers, individuals currently in the asylum or international protection system but wishing to return, and other migrants. Such a balanced approach needs to include the prospect, where appropriate, of enforced return.

2. More broadly, effective immigration and asylum policies which are compatible and complementary to applicable capacity building and development assistance programmes in countries of return, can help strengthen the sustainability of voluntary returns operated by Member States. Furthermore, strengthened co-operation between the host country and the country of return, as well as with relevant international organisations and nongovernmental organisations, where considered appropriate by Member States, can contribute substantially to the success of voluntary return programmes.

3. Voluntary return, carried out in conformity with obligations deriving from applicable

international instruments, is the assisted or independent departure to the country of return based on the will of the returnee and his/her informed decision to return.

4. Voluntary return can be most effective where its scope covers a wide range of third country nationals wishing to return home. This may include, without prejudice to the applicable rules under national legislation, unsuccessful asylum seekers or those awaiting a final decision, those with a temporary protection status and, where applicable, illegally staying third country nationals and/or legal migrants.

5. In addition to general voluntary return programmes, there can be significant added value in establishing programmes tailored to the circumstances and needs of specific categories of persons, in particular those who are deemed to be more vulnerable or with other special needs. Tailor-made programmes might also be envisaged for certain destination countries.

Programmes that assist the voluntary return of qualified and skilled persons, as well as those which include labour market oriented training for unskilled persons immediately following their return, can contribute to the development and reconstruction of countries.

6. Information on the possibility of voluntary return should be made readily available and as early as possible. In order to facilitate sustainable voluntary returns, this may include the provision of pre-return information and counselling, for example, in respect of the conditions and circumstances in the country of return. Innovative Member States approaches, such as those which raise awareness amongst prospective returnees of conditions in the country of return, might also be useful in this respect.

7. Assisted Voluntary Return programmes, which entail a greater level of support from the host country, can also contribute to the general objective of sustainable voluntary returns. Where appropriate, such programmes may, for example, include assistance in respect of some or all of the following: travel arrangements, medical assistance (where applicable), reception on arrival in the country of return and referral to relevant local bodies/agencies, onward transportation to the final destination in that country, adequate temporary accommodation for the first few days after arrival, essential initial expenses after return, relevant training, limited start-up assistance for economic activities, and post-return assistance and counselling.

8. The implementation of voluntary return programmes should be monitored and evaluated with a view to informing future policy and programmes and facilitating exchanges of good practice between Member States.

9. Given the importance of these issues to the operation of effective policies on return at national and EU level, as well as in respect of immigration and asylum more generally, the Council invites the appropriate bodies to further examine these matters, in particular with a view to:

? facilitating the exchange of best practice between Member States, including the promotion and effective implementation of voluntary return programmes as a suitable alternative to forced return;

? identifying opportunities to strengthen practical co-operation between Member States and relevant third countries, international organisations and non-governmental organisations, where considered appropriate by Member States, including through joint projects, research and evaluation; and

? making maximum use of the possibilities afforded under appropriate Community funding programmes in support of the above.

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

The Commission adopted, on 6 April 2005, its proposal for a Decision establishing the European Return Fund for the period 2007-2013 as part of the General programme "Solidarity and Management of Migration Flows".

The financial envelope set out for this specific Fund was EUR 749 million.

Following the signing of the Interinstitutional Agreement (IIA) on 17 May 2006 concerning the 2007-2013 financial framework, the Commission adopted a series of amended proposals concerning the new financial instruments in the area of justice, freedom and security taking account, in particular, of the adjusted amounts of expenditure : for a more detailed account of the amounts, please refer to the financial statement.

Concerning the financial resources, the new amounts for the RETURN Fund shall be EUR 676 million (for details, please refer to the financial statement).

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

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 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 500000 people illegally staying in the EU a year. The European Parliament adopted a resolution drafted by Barbara Kudrycka (EPP, Poland) and made several amendments to the Commission's proposal, which were compromise amendments that had previously been agreed with Council. Several of these were designed to strengthen compliance with fundamental rights by any action co-financed by the Fund. MEPs also stressed the need to promote voluntary return by stronger cooperation with local authorities as well as limited financial contributions to third country nationals returning voluntarily. The main amendments are as follows:

- the budget for the Fund is EUR 676 million for 2008-2013;

- the ERF will provide member states each with a minimum sum of EUR 300,000 per year. Half of the remainder will be allocated according to the number of illegal immigrants already subject to a return decision present on each Member State's territory. The other half is to be assigned in proportion to the number of former immigrants to each country who have already left the EU, whether they left of their own accord or were expelled;

- while supporting the simplification of enforced return procedures, MEPs insisted on the need also to promote voluntary return, notably by developing stronger cooperation with local authorities to exchange and provide information about past experiences of migrants who returned to their home country. The text also provides for limited financial contributions to third country nationals returning home voluntarily. This financial aid may include the costs of the first days of residence in the country of return as well as a limited start-up help for economic activities, where appropriate;

- only persons who are the subject of individual removal orders may be returned via joint return operations eligible for funding under the Decision. 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;

- Parliament emphasised measures to facilitate cooperation between the competent administrative, law enforcement and judicial bodies, where appropriate at different levels of government;

- actions supported may include the following measures: information to third country nationals on return in general, counselling to individuals on the possibilities for voluntary return, translation costs, procurement of indispensable travel documents, interpreters, accommodation for escorts including medical staff and interpreters; in all cases of return, specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;

- actions supported may also include, in the case of reintegration measures for third country nationals who do not or no longer fulfil the conditions for entry and stay, where Member State consider it appropriate, cash incentives and other short term measures necessary to launch the progress of reintegration for the returnee's personal development such as training, placement and employment assistance, start up support for economic activities and post-return assistance and counselling, as well as measures enabling Member States to offer appropriate arrangements for welcoming returnees in third countries upon their arrival;

- the target groups are: all third country nationals who have not yet received a final negative decision to their request for international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of the Member State; all third country nationals enjoying a form of international protection or temporary protection in a Member State and who choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of the Member State; all third country nationals who do not fulfil the conditions for entry and/or stay in a Member State and who, in accordance with the obligation to leave the territory of the Member State, make use of voluntary return; all other third country nationals who do not fulfil the conditions for entry and/or stay in a Member State;

- preparatory measures, management, monitoring, evaluation, information and control measures may be financed to the extent of 7% of the total annual amount of co-financing allocated to the Member State plus EUR 30,000 for 2008-2010 and 4% of the total annual amount of co-financing allocated to the Member State plus EUR 30,000 for 2011-2013;

- with regard to Member States' annual programmes, Parliament stated that, to take into account duly substantiated emergency situations which were not foreseen at the time of the approval of the annual programme and requiring urgent action, a Member State may revise up to 10% of the financial breakdown of the Funds' contribution between the various actions listed in the annual programme or allocate up to 10% of the break down to other actions in accordance with this Decision. The Commission shall be informed of the revised annual programme;

- the Commission shall review the strategic guidelines and where necessary, adopt, on 31 March 2010 at the latest, new strategic guidelines for the period 2011-2013; If such strategic guidelines are adopted, each Member State shall re-examine its multi-annual programme and where appropriate, revise it;

- the regulatory procedure with scrutiny will be followed as regards measures of general scope designed to amend non-essential elements of the Regulation.

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 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.

- 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.

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

PURPOSE: the establishment of the ?European Return Fund?.

LEGISLATIVE ACT: Decision No 575/2007/EC of the European Parliament and of the Council establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme ?Solidarity and Management of Migration Flows?.

BACKGROUND: the EU is committed to the progressive establishment of an area of freedom, security and justice. These three key objectives are to be developed in parallel and to the same degree of intensity to allow for a balanced approach based on the principles of democracy, respect for fundamental rights and freedoms, and the rule of law.

Further, the 'Solidarity and Management of Migration flows' general programme is to support the principle of solidarity by ensuring a fair share of responsibilities between the Member States (as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders) and from the implementation of common policies on asylum and immigration. This solidarity is to be supported, financially, through the setting up of four funds namely:

- [The European Refugee Fund](#)
- [The External Borders Fund](#)
- [The Fund for the Integration of third country nationals](#)
- [The European Return Fund](#)

The return of third country nationals who do not, or no longer, fulfil the conditions for entry to be present in, or residence on, the territories of the Member States of the EU, either because they entered illegally or overstayed their visa or residence permit, or because their asylum claim has been finally rejected, is essential. In practice, however, putting into effect a return policy is a considerable challenge – especially so for Member States with relatively low GDPs. Return management is a complex process: it requires the development of a good working relationship with the countries of return, whilst balancing individual rights and humanitarian considerations with the state interest in law enforcement. Illegal situations are often de facto allowed to continue and Member States tend to incur substantial and ongoing costs in detaining the people concerned for long periods as well as in engaging in protracted legal battles over their removal.

CONTENT: for the reasons outlined above, the purpose of this Decision is the establishment of a 'European Return Fund'. Between the 1 January 2007 and 31 December 2013 the Fund will benefit from a EUR 676 million financial envelope.

General Objectives: The general objective of the Fund will be to support the Member States in the management of their return policies by providing joint actions to be implemented at Member State level. National actions will also be supported on condition that they pursue Community objectives and are in full compliance with fundamental rights.

Specific Objectives: Specifically, the Fund will seek to:

- Improve integrated return management methods in the Member States.
- Enhance Member State cooperation on integrated return management.
- Promote an effective and uniform application of common standards on return policy.

Integrated return plans should be based on comprehensive assessments of the situation in the Member States concerning the targeted population; they should encourage voluntary return schemes of third-country nationals; include time tables for the adjustment of the plan and include, where appropriate, measures to facilitate cooperation between national administrations, judicial bodies and law enforcement agencies. Further, integrated Return Plans should focus, in particular, on effective and sustainable returns through such actions as information on pre-departure stage, travel arrangements, transit in the country of return for both voluntary and enforced return. As far as possible, incentives for voluntary returnees, such as return assistance, may be provided for in order to promote voluntary return.

Eligible Actions in the Member States: The Decision sets out a comprehensive list of actions that will be eligible for funding including, inter alia, operations that effect stable and lasting operational cooperation between the Member States, operations that provide information on return as early as possible in asylum and immigration procedures; actions that encourage individuals to make use of voluntary returns; operations that seek lasting cooperation with third countries; and the organisation of seminars and joint training for staff.

Eligible measures in the Member States includes counselling to third-country national on return options, specific assistance being given to vulnerable persons such as minors, unaccompanied minors, the disabled and the elderly, costs for travel, food and temporary accommodation of returnees and their escorts in cases where a third-country national no longer fulfils the conditions for entry and stay. Some funding may also be given to returnees for reintegration measures such as training, placement and post-return assistance.

Community measures: Upon the initiative of the Commission, up to 7% of the Fund's available resources may be spent on transnational, Community actions. Funding will focus on enhancing Community cooperation and implementing Community law and good practices; it will support the setting up of transnational cooperation networks and pilot projects based on transnational partnerships between bodies located in two or more Member States. These partnerships should be designed to stimulate innovation, facilitate the exchange of experience and good practice and improve the quality of a return policy. Funding may also go to awareness raising campaigns, studies, pilot projects, the development of a common handbook on best practices and offering support to Member States in cases of emergency situations that require urgent action.

Target Group: Those targeted by the Decision include: all third country nationals who have not yet received a final negative decision but who may want to make use of voluntary return; all third countries nationals employing a form of international protection and who choose to make use of voluntary return; all third country nationals who do not, or no longer, fulfil the conditions entry and/or stay in a Member State and who wish to make use of voluntary return; all other third-country nationals who do not, or no longer, fulfil the conditions for entry and/or stay in a Member States.

The Commission will be responsible for implementing the Fund. Provisions have been put in place regarding implementation methods, the financial framework of the Fund (i.e. annual distribution of resources for eligible actions in the Member States); the adoption of strategic guidelines; management and control systems and responsibilities and control of the Fund.

Financial provisions: The financial envelope for the implementation of this Decision shall be EUR 676 million (please refer to the financial statement).

Annual distribution of resources for eligible actions in the Member States is as follows:

- each Member State shall receive a fixed amount of EUR 300 000 from the Fund's annual allocation. This amount shall be raised to EUR 500 000 per annum for the period 2008 to 2013 for those Member States which acceded to the European Union on 1 May 2004. This amount shall be raised to EUR 500 000 per annum for those Member States which accede to the European Union during the period from 2007 to 2013 for the remaining part of the period 2008 to 2013 following the year of their accession.

The remainder of the available annual resources shall be broken down between the Member States as follows: a) 50 % in proportion to the total number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and/or Community law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return, over the previous three years; b) 50 % in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion over the previous three years.

Furthermore, at the initiative of and/or on behalf of the Commission, subject to a ceiling of EUR 500 000 of the Fund's annual allocation, the Fund may finance preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.

Reporting: On the basis of strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account its specific situation and needs and setting out its development strategy that should constitute the framework for the implementation of the actions to be listed in the annual programmes.

The final report on the implementation of the annual programme shall include the following information in order to obtain a clear view of the implementation of the programme: a) the financial and operational implementation of the annual programme; b) the progress made in implementing the multiannual programme and its priorities in relation to its specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators; c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular: i) monitoring and evaluation measures, including data collection arrangements, (ii) a summary of any significant problems encountered in implementing the operational programme and any measures taken, (iii) the use made of technical assistance; d) the measures taken to provide information on and make public the annual and multiannual programmes.

Territorial provisions: the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Decision. On the other hand, Denmark shall not participate in this Decision.

Review: on a final point, the Parliament and Council will review the Decision, on the basis of a proposal from the Commission, by 30 June 2013.

ENTRY INTO FORCE: 7 June 2007. This Decision shall apply from 1 January 2008, with the exception of certain specific provisions which shall apply from 7 June 2007.

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

The Commission presents a Communication on the application of the criteria for the distribution of resources among the Member States under the [External Borders Fund](#), the European Fund for the Integration of third-country nationals and the [European Return Fund](#), as required by the Decisions establishing the Funds. These were established by the General Programme Solidarity and Management of Migration Flows for the period 2007-2013 with a total allocation of EUR 4.020 million.

The report presents the approach on the application of the criteria for the distribution of the resources while the accompanying staff working document outlines in detail the results for the Member States. By presenting the data, the methodology used and the results of the application of the criteria, these documents may help inform the thinking of Member States, the institutions and stakeholders on the future of EU funding in the area of the management of migration flows under the next multi-annual financial framework.

For each Fund the annual distribution of the available EU financial resources among the Member States is based on specific and objective criteria which reflect the situation of the Member State: e.g. the size of the external borders to be protected and the number of persons crossing them; the number of legally staying third-country nationals to be integrated into society; the number of return decisions to be implemented. The definition of the criteria is the most concrete expression of the principle of solidarity underlying the Funds in the sense that those Member States most affected by the management of migration flows are meant to benefit the most from EU funding. Each year the Commission draws upon both EU statistics from EUROSTAT and ad hoc data supplied by Member States to do the calculations.

This report focuses on the calculations for the financial years 2007 ? 2011. The data collection process was reinforced as a result of the entry into force of Regulation No 862/2007/EC (Migration Statistics Regulation).

The basic acts for the four Funds came into force in the summer of 2007, a few weeks before the first calculations for the resources to Member States were due.

Thanks to the preparatory work between the Commission and the Member States on the data for the allocations in anticipation to the entry into force, the Commission was in a position to submit to Member States by July 2007 the information on the allocations for 2007 and 2008. Together with the extrapolations for the period 2009-2013, these figures guided Member States in setting the indicative financial framework as the basis of the multiannual strategy for the implementation of the Funds.

The Commission states that in the course of the 2007-2011 financial years, the principles and work methods for data collection, gradually established and defined each year, have come to bear fruit; the last exercise has shown how they have increasingly simplified and facilitated the work on the calculations. The methodology used has proved effective, and the Commission was able to submit the calculations to Member States in general on time.

The Migration Statistics Regulation is increasingly the backbone of the system for data collection under the Return Fund and the Integration Fund. The system put in place for data collection on the External Borders Fund, while different, is also proving adequate. The checks put in place in either system, while not always optimal given inherent limitations in data sources, validation tools and the administrative capacity for data analysis in the EU, form nevertheless a solid basis on which to continue making the calculations for future financial years. In terms of the definitions of the data collection, some differences may remain between the Migration Statistics Regulation and the criteria laid down in the basic acts. In practice, solutions have been found on a bilateral basis and efforts to improve co-operation and exchange of data between Member States and the Commission, including EUROSTAT, will continue. It should be noted that the compilation of European Statistics is a co-operative process that greatly depends on the reliability of the data supplied by national authorities.

Given the particular importance of ensuring the quality of the statistics used for the allocation of the four Funds, a specific quality assurance programme has been put in place by EUROSTAT and there will be on going work to continue quality improvements.

While the Commission was in general able to deliver the final calculations on time thanks to all these factors, it has to be recognised that the amount and complexity of the data to be collected and verified each year imposes a recurrent administrative burden on the Member States and the Commission. There may be more cost-effective ways of ensuring the application of distribution keys which seek to express the principle of solidarity underlying the Funds.

The External Borders Fund: the final distribution of the resources shows that the main beneficiaries of the Fund were the Member States with the highest responsibility in implementing the common policy for the management of external borders:

- Spain, Greece and Italy receive 48% of the Fund's allocation for the period 2007-2011;
- if France, Malta, and Cyprus are added to the three main beneficiaries, the distribution of the Fund shows that 60% of the financial assistance is concentrated on Member States bordering on the Mediterranean sea and the Canary islands area;
- at the same time, Member States having a land border in the East (Poland, Hungary, Finland, Slovenia, Romania, Lithuania, Estonia, Bulgaria, Latvia, and Slovakia) account for 25% of the total allocation;
- the results confirm the purpose of the Fund as an instrument of financial solidarity on integrated border management in the EU.

The European Fund for the Integration of third-country nationals: the five main beneficiaries are Italy, United Kingdom, Spain, Germany and France, accounting for nearly 70% of the allocations. In light of the size of the immigration to these Member States and the challenges faced by the EU in this area in the period 2007-2010, the results confirm the purpose of the Fund as an instrument of financial solidarity for the development of integration policies in the EU.

The European Return Fund: the three main beneficiaries are Greece, United Kingdom and Spain. Together with France, Italy and Germany, these countries account for nearly 67% of the allocations. In light of the size of the migratory pressure on these countries and bearing in mind the shift in flows of irregular entries over the years from the Spanish coast (Canary Islands) towards the Central Mediterranean route to the Greek borders with Albania and Turkey, the results confirm the purpose of the Fund as an instrument of financial solidarity for return management in the EU.

The results of the application of the criteria are generally perceived as satisfactory. The application of the criteria has served the objectives as defined by the European Parliament and the Council in the basic acts establishing the Funds of the General Programme Solidarity and Management of Migration Flows since they have converged the bulk of the EU resources available around those Member States most affected by the challenges posed by the management of migration flows of third-country nationals into the EU. Under these circumstances, it is not deemed necessary to come forward with proposals to amend the criteria.

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

Council Decision 575/2007/EC, the Commission presents a report on the results achieved and on qualitative and quantitative aspects of implementation of the European Return Fund for the period 2007-2009. It recalls that for the period 2007-2013 the EU established the General Programme Solidarity and Management of Migration Flows with a total allocation of EUR 4 032 23 million. The General Programme consists of four Funds, one of which is the European Return Fund, established for the period 2008-2013 with a total envelope of EUR 676 million.

The report presents results achieved by the annual programmes 2007-2009 and provides input in the reflection process on the future instruments. Its submission is timed to assist the European Parliament and the Council with the preparation for the next multiannual financial framework and not to provide a comprehensive and final evaluation.

EU resources for Member States and matched national funding: the reporting period covers 18% of the overall reference amount of the Fund. In the period 2008-2009 EUR 122 million in EU appropriations was committed for both shared and direct management actions.

The six main beneficiaries were the United Kingdom (EUR 16.9 million), Greece (EUR 12.8million), France (EUR 12.3 million), Italy (EUR 11.8 million), Spain (EUR 10.7 million) and Germany (EUR 7.8 million). They received 68% of the total amount in the reporting period. For the period 2008-2011, they remain the main beneficiary Member States, although Greece is replacing the United Kingdom as the main beneficiary as of the 2010 allocations.

EU resources reserved for Community actions: for 2008 no resources were allocated. During the budgetary procedure for 2008 the European Parliament put the credits for the Fund for 2008 in the reserve with the condition that the amount would be released when the Return Directive was adopted. Following its approval by the European Parliament the reserve on the Fund was lifted in November 2008. For 2009 EUR 4.6 million was allocated for three transnational pilot projects and three comparative studies on best practices. The 2010 call focuses on the creation of an EU network on voluntary return and co-operation in the field of pre-departure and post-arrival reintegration activities. For 2011, resources are being mobilised primarily to support emergency measures in the Southern Mediterranean.

Preliminary assessment by Member States: Member States gave a (partly) positive overall assessment on the implementation of the Fund. Several Member States highlight particular achievements regarding voluntary return, and quite a few Member States referred to the usefulness of the Fund in assisting civil society to contribute to voluntary return.

At the same time, many Member States emphasized the challenges encountered during the implementation of the first two programmes (i) certainly for the 2008 programme, the delays in the approval of the annual programmes affected the implementation period and in some Member States, the size of the allocation actually committed and spent; (ii) the implementing rules and, in particular, the rules for the eligibility of expenditure, were perceived as too complicated; (iii) open and wide selection procedures did not always lead to pertinent project applications. Accordingly, Member States felt constrained to revise the annual programmes to secure the optimal use of the EU contribution.

To mitigate these challenges, the Commission considerably simplified the overall framework for eligibility rules for expenditure, extended the duration for financing of post-return reintegration assistance to one year and extended the eligibility period from 2 to 21?2 years and allowing for more time for submitting revisions of the programmes, thus allowing for a better absorption of the EU contribution.

Assessment by the Commission: the Commission finds that, despite starting difficulties and some specific issues with the rules and

implementation, the Fund is living up to its promise to boost the implementation of integrated return management in Member States:

- in a number of Member States, thanks to specific information campaigns, further information on return possibilities was made available and disseminated widely to migrant communities;
- the Fund supported the introduction of return management practices which had been almost non-existent in many Member States beforehand. Projects successfully enhanced the capabilities of government services to encourage the voluntary return of migrants and asylum seekers;
- thanks to the Fund, Member States were able to offer higher financial incentives and support to returnees for setting up income-generating activities, thus resulting in sustainable returns;
- in the area of forced return, the Fund was consistent with the activities of the Frontex Agency on the coordination of joint return operations. Member States have successfully used the resources under the Fund for national and joint return flights which complemented the efforts made by the Agency;
- the cooperation projects between Member States and countries of return have resulted in an increase in the number of removals by improving working arrangements with third countries on the identification and issuing of travel documents;
- the Fund has also generated opportunities for further exchange of experience between Member States.

Recommendations: the Commission notes that the first two annual programmes were implemented under considerable time pressure and with limited experience in shared management, and the 2010 exercise was much faster. In future, programmes could promote a more strategic focus on EU standards and more systematically seek to enhance co-operation between Member States. Implementation of actions would benefit from a more stable financial and long term planning and efforts to communicate results more effectively. Furthermore:

- thanks to the increase in allocations in the coming period, the Fund will endow Member States with the means to make compliance with the key requirements under the Directive and the twin principles of the primacy of voluntary return and the humane and dignified treatment of potential returnees as cornerstones of return management a concrete reality throughout the EU. Thus, Member States can step up efforts on voluntary return, refurbish and modernise detention facilities for minors and families, develop training programmes on EU standards, new monitoring and evaluation tools and provide services on counselling and assisted voluntary return;
- using the Fund, Member States could do far more to promote practical co-operation and reduce duplication of efforts in co-operation with third countries, training activities, and the gathering of information on the situation in countries in return;
- Member States could explore more extensively the possibilities to set up multiannual projects, e.g. assisted voluntary return programmes with a reintegration component, in accordance with the regulatory framework, thus reducing also the incidence of selection processes and establishing a stable financial multiannual planning;
- the learning effects of the Fund can be further boosted, particularly in the field of reintegration, through the exchange of information. To facilitate this process, the Commission shall establish a network on voluntary return using the 2010 Community actions, set up a database for Member States on projects funded and develop communication material and events on the Fund by 2012;
- the Commission will continue its efforts to strengthen its working relations with IOM.

The next milestone for the Fund is the ex-post evaluation report for 2008, which is due by 31 December 2012.

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

The Commission presents a report on the ex-post evaluation of the European Return Fund for the period 2008-2010.

To recall, the objective of the Fund is to support the efforts made by Member States to improve the management of return in all its dimensions (integrated return management), including through cooperation between Member States for the purpose of economies of scale. The Fund has a total budget of EUR 676 million. The resources are distributed among 26 Member States.

Purpose of the evaluation: the report is based on national evaluation reports on the results and impact of actions co-financed by the Fund. The Commission also considers the complementarity between the actions implemented under the Fund and those pursued under other relevant Community policies, instruments and initiatives.

It also presents the findings of the ex-post evaluation of the implementation of the annual programmes 2008 to 2010 covering over EUR 199 million of allocations to the Member States. The latter had to submit their national reports by the end of June 2012. However, since the eligibility period for the actions of the 2010 annual programme ran until 30 June 2012 and in order to allow comprehensive results of this annual programme to be included, the deadline was postponed until 31 October 2012.

Main conclusions: having reviewed the evaluation reports from Member States, the Commission finds that the overall picture of the implementation of the 2008 to 2010 programmes of the European Return Fund is quite satisfactory. The project implementing organisations and national authorities were able to achieve good results, even if the first year of implementation of the Fund was challenging for some Member States.

Additionally, it can be concluded that the Fund is living up to its promise to boost implementation of integrated return management in Member States. The Fund supported:

- the implementation of information campaigns and wide dissemination of information on return in various languages and through targeted channels of communication;
- the introduction or development of counselling activities for potential returnees (e.g. extension to new categories of migrants such as persons in detention, families, victims of human trafficking);

the introduction or development of reintegration assistance in the country of origin and the development of country-specific information databases.

In terms of results, Member States reported that actions co-financed by the Fund contributed - significantly, for some Member States - to the overall development of an integrated approach to return management, to an increase in the number of returnees and to an improvement in the quality of the return process.

Moreover, the Fund helped to increase the use of voluntary return in comparison to forced return and even allowed voluntary return and reintegration activities to be introduced in some Member States. Overall, however, Member States still return more migrants forcibly than voluntarily. In the future there should be an even greater focus on voluntary return in compliance with the principle of primacy of voluntary return under EU standards.

Even though some achievements were reported in the field of cooperation between Member States (e.g. joint return flights, exchange of best practices), the small size of the allocations devoted to this objective (less than 3 % of the total amount spent by Member States during the period under evaluation) reveals either difficulties in establishing cooperation networks or a preference for the joint flights organised by FRONTEX. In the future there should be a greater focus on the promotion of practical cooperation, with a view to reducing duplication of effort, for example, in cooperation with third countries, training activities, and the gathering of information on the situation in countries of return.

As far as the principle of solidarity underlying the Fund is concerned, the United Kingdom, Greece, France, Spain and Italy whose allocations represented altogether 59 % of the total EU contribution that was allocated during the period 2008-2010 performed quite well in managing the Fund and implementing the programmes, with an average implementation rate of 83 %. All but one of them assessed the overall results and achievements of the Fund as very positive. Greece rated them as positive, due to legislative and administrative difficulties faced in implementing the Fund.

The procedures and systems of the new Funds set up for the period 2014-2020 address the criticism expressed by the Member States, which stressed the need for simplification and reduction of the administrative burden. The first generation of Solidarity funding (SOLID Funds including the European Return Fund) combine a multiannual framework with annual programmes, which makes this system complex, time-consuming and rather difficult to manage. Future Funds will shift towards a multiannual programming approach, aiming to offer more flexibility, reduce significantly the workload for the Commission, the Member States and the beneficiaries, and allow more results-driven management of the Funds. Additionally, while there are currently four different Funds with four different basic acts in the framework of the General Programme Solidarity and Management of Migration Flows, the structure of the next Funds will be simplified by reducing the number of programmes to a two-Fund structure: an [Internal Security Fund](#) and an [Asylum and Migration Fund](#) (merging the current European Return Fund, the European Refugee Fund and the European Fund for the integration of third-country nationals).

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

The Commission presents an ex post evaluation reports for the period 2011 to 2013 of actions co-financed under the framework programme 'Solidarity and Management of Migration Flows'.

This consists of four instruments (the 'SOLID Funds'): the European Return Fund (RF), the European Fund for the Integration of third-country nationals (EIF), the European Refugee Fund (ERF), the External Borders Fund (EBF). The aim of the SOLID General Programme was to provide financial support to Member States to help them better manage the Union's external borders, and better implement the common policies on asylum and migration.

This summary concerns the European Return Fund, which aimed to develop an integrated return management and enhanced cooperation between Member States, providing assistance with the implementation of return operations to countries of origin and making information available to returnees on relevant procedures. It also sought to encourage the use of voluntary return over forced return.

The RF was allocated EUR 463 million under the SOLID funds and had an average absorption rate of 81%, which was higher in 2011-13 than in 2008-10 (70%), which suggests that stakeholders developed greater expertise over the period studied. For both periods, the largest allocations were granted to the four Member States with the highest influxes of irregular migrants and number of returnees, namely Greece, the United Kingdom, Spain and France.

The evaluation shows that the RF was particularly effective in contributing towards the development of national integrated return management systems by encouraging voluntary rather than forced returns and enhancing Member States return capacity in general. The majority of Member States found that the objectives of the Fund corresponded to their needs in the field of return management, but some Member States indicated that the Fund could have been more relevant if the target group had also included migrants residing legally in the Member States but wishing to return to their country of origin.

The RF also made a positive contribution to the provision of support to Member States in emergency situations. However, the Fund had only a moderate impact on enhancing cooperation between Member States and with third-countries and on implementing EU standards due to the low number of projects implemented in that respect. The report notes that:

- projects were generally found to have been implemented at a reasonable cost in terms of financial and human resources. The unit costs of return varied greatly across Member States, depending on the number of returnees, the accessibility of the destination country of return, the number of countries collaborating in return operations and the amount of financial assistance provided to returnees. Voluntary return was found to be generally more cost-efficient than forced return;
- there was no strong evidence to demonstrate the long-term impact of the actions as many Member States highlighted that further funding was required to be able to continue return activities launched with RF funding. The most sustainable type of actions were those which had structural effects, such as improvements to the infrastructure of detention facilities and actions which improved cooperation between Member States or Member States and third countries;
- whilst the evaluation concluded that actions funded by the RF were generally coherent with and complementary to other EU Funds in the area of return, only limited complementarity was found with reintegration policies funded by other EU instruments, such as the European Social Fund, with a potential risk for overlaps;
- Member States reported that the RF had the effect of developing their assisted voluntary return system to an extent which would have

not been possible in its absence, by implementing systematic reintegration grants, monitoring the return to third-countries, building supporting networks for reintegration and disseminating information and by raising awareness on return-related issues. However, most Member States reported that forced returns would probably have been carried out in the absence of the RF to the same scale;

- the Fund allowed for different and innovative approaches in return management, and facilitated the involvement of new stakeholders and contributed to the achievement of EU standards and requirements.

The report makes certain observation common to all four funds. In the case of the RF, most of the main findings have already been taken into consideration under the [asylum, migration and integration fund \(AMIF\)](#), which succeeded the ERF, EIF and RF, while others are given due consideration in the preparation of the next generation of Funds.

The report notes particularly that the absence of effective monitoring and evaluation mechanisms, common to all Member States, was a critical issue for the evaluation of the SOLID Funds. This problem was addressed for the AMIF and the ISF (which succeeded the EBF), with a first list of common indicators included in the legal base and a common monitoring and evaluation framework. In addition, the Commission notes issues relating to administrative burden, the allocation mechanism and the steering of funding to EU priorities, most of which have been considered under the AMIF.