


# 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Repealed by <a href="#">2011/0366(COD)</a> Amended by <a href="#">2012/0252(COD)</a>	
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
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		06/06/2005
		PPE-DE <a href="#">KUDRYCKA Barbara</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs		21/07/2005
		Verts/ALE <a href="#">ŽDANOKA Tatjana</a>	
	<b>DEVE</b> Development		31/08/2005
		PPE-DE <a href="#">FERNÁNDEZ MARTÍN Fernando</a>	
	<b>BUDG</b> Budgets		09/06/2005
		ALDE <a href="#">DEPREZ Gérard</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2797</a>	07/05/2007
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2683</a>	12/10/2005
European Commission	Commission DG	Commissioner	
	<a href="#">Justice and Consumers</a>	FRATTINI Franco	

Key events			
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	<a href="#">A6-0425/2006</a>	
14/12/2006	Results of vote in Parliament		
14/12/2006	Decision by Parliament, 1st reading	<a href="#">T6-0591/2006</a>	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	Repealed by <a href="#">2011/0366(COD)</a> Amended by <a href="#">2012/0252(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 063-p3b
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27951

### Documentation gateway

Legislative proposal		<a href="#">COM(2005)0123</a>	06/04/2005	EC	Summary
Document attached to the procedure		<a href="#">SEC(2005)0435</a>	06/04/2005	EC	
Committee of the Regions: opinion		<a href="#">CDR0144/2005</a>	16/11/2005	CofR	
Committee opinion	DEVE	PE364.914	01/02/2006	EP	
Committee draft report		<a href="#">PE368.065</a>	07/02/2006	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0234/2006</a>	14/02/2006	ESC	
Amendments tabled in committee		<a href="#">PE370.171</a>	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		<a href="#">COM(2005)0123/2</a>	24/05/2006	EC	Summary
Document attached to the procedure		<a href="#">COM(2006)0239</a>	24/05/2006	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0425/2006</a>	28/11/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0591/2006</a>	14/12/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2007)0303</a>	24/01/2007	EC	
Draft final act		<a href="#">03692/1/2006</a>	23/05/2007	CSL	
Follow-up document		<a href="#">COM(2011)0448</a>	20/07/2011	EC	Summary
Follow-up document		<a href="#">SEC(2011)0940</a>	20/07/2011	EC	

Follow-up document		<a href="#">COM(2011)0858</a>	09/12/2011	EC	Summary
Follow-up document		<a href="#">C(2011)9771</a>	22/12/2011	EC	
Follow-up document		COM(2014)0230	23/04/2014	EC	Summary
Follow-up document		<a href="#">COM(2018)0456</a>	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

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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

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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

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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 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

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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

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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

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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).