

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2012/0252(COD) Decision</p>	Procedure completed
<p>European Refugee Fund, European Return Fund and European Fund for the Integration of third-country nationals: increasing the Union co-financing rate</p> <p>Amending Decision 573/2007/EC 2005/0046(COD) Amending Decision 2007/435/EC 2005/0048(CNS) Amending Decision 575/2007/EC 2005/0049(COD) See also 2012/0253(COD)</p> <p>Subject 7.10 Free movement and integration of third-country nationals 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy</p>	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	LIBE Civil Liberties, Justice and Home Affairs		05/11/2012	
		ALDE TORVALDS Nils		
	Committee for opinion	Rapporteur for opinion	Appointed	
	AFET Foreign Affairs	The committee decided not to give an opinion.		
	DEVE Development	The committee decided not to give an opinion.		
	BUDG Budgets	The committee decided not to give an opinion.		
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.		
	CULT Culture and Education	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date	
	Agriculture and Fisheries	3225	25/02/2013	
European Commission	Commission DG	Commissioner		
	Migration and Home Affairs	MALMSTRÖM Cecilia		

Key events			
20/09/2012	Legislative proposal published	COM(2012)0526	Summary
22/10/2012	Committee referral announced in Parliament, 1st reading		
17/12/2012	Vote in committee, 1st reading		
08/01/2013	Committee report tabled for plenary, 1st reading	A7-0004/2013	Summary
06/02/2013	Results of vote in Parliament		
06/02/2013	Decision by Parliament, 1st reading	T7-0042/2013	Summary

25/02/2013	Act adopted by Council after Parliament's 1st reading		
13/03/2013	Final act signed		
13/03/2013	End of procedure in Parliament		
22/03/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0252(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Amending Decision 573/2007/EC 2005/0046(COD) Amending Decision 2007/435/EC 2005/0048(CNS) Amending Decision 575/2007/EC 2005/0049(COD) See also 2012/0253(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 079-p2; Treaty on the Functioning of the EU TFEU 078-p2; Treaty on the Functioning of the EU TFEU 079-p4
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/10701

Documentation gateway

Legislative proposal	COM(2012)0526	20/09/2012	EC	Summary
Committee draft report	PE500.402	09/11/2012	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0004/2013	08/01/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0042/2013	06/02/2013	EP	Summary
Draft final act	00071/2012/LEX	13/03/2013	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2013/258](#)
[OJ L 082 22.03.2013, p. 0001](#) Summary

European Refugee Fund, European Return Fund and European Fund for the Integration of third-country nationals: increasing the Union co-financing rate

PURPOSE: to increase the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the

Integration of third-country nationals for certain Member States experiencing serious difficulties with respect to their financial stability, and amending Decision No 573/2007/EC, Decision No 575/2007/EC and Council Decision 2007/435/EC.

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

BACKGROUND: Decision No 573/2007/EC established the [European Refugee Fund](#), Decision No 575/2007/EC established the [European Return Fund](#) and Council Decision 2007/435/EC established the [European Fund for the Integration of third-country nationals](#), as part of the General programme Solidarity and Management of Migration Flows. These Funds provide for different Union co-financing rates for actions supported by the Funds.

The unprecedented global financial crisis and economic downturn have seriously damaged economic growth and financial stability, provoking a marked deterioration in financial, economic and social conditions in several Member States. Some Member States are experiencing serious difficulties or are threatened with such difficulties, particularly with respect to their financial and economic stability, leading to deterioration in their deficit and debt positions and threatening economic growth heightened by the international economic and financial environment. Ensuring the smooth implementation of programmes adopted under the four Funds established as part of the General Programme on Solidarity and Management of Migration Flows (the Funds), is of particular importance as a means of injecting funds into the economy.

To make European Union funding easier to manage in the area of migration, asylum and external borders and to improve the availability of funding for the Member States to implement their annual programmes under the Funds, it is necessary, on a temporary basis and without prejudice to the 2014-2020 programming period, to arrange for an increase in the Union co-financing rate under the Funds, by an amount corresponding to twenty percentage points above the co-financing rates currently applicable, for Member States experiencing serious difficulties with respect to their financial stability.

It should be noted that this proposal is closely linked to the proposal regarding a similar amendment of the External Borders Fund (please see [COD/2012/0253](#)).

LEGAL BASIS: Articles 78(2) and Article 79(2) and (4) of the Treaty on the Functioning of the European Union (TFEU).

IMPACT ASSESSMENT: there was no consultation of external stakeholders. The proposal will allow the Commission to apply higher co-financing rates for the countries benefiting from one of the support mechanisms.

CONTENT: in order to ensure that Member States benefiting from a financial support mechanism continue to implement the programmes adopted under the Funds on the ground and disburse funds to projects, the proposal contains provisions that would allow the Commission to increase the Union co-financing rate for these countries, for the period during which they benefit from financial assistance provided by one of the support mechanisms under any funding instruments. This will provide additional financial resources to the Member States and will make it easier to continue implementing the programmes on the ground. The Funds annual national allocation pursuant to the basic acts will remain unchanged while national co-financing will be reduced accordingly. Ongoing annual programmes will need to be revised to reflect the changes resulting from the application of the increased Union co-financing rate.

The proposal makes provision for the following amendments:

- Amendment of Article 14 and Article 21(3) of Decision No 573/2007/EC: Article 14 currently provides that the Union co-financing rate for supported actions does not in principle exceed 50% (and that this Union co-financing rate may be increased to 75% if the Member State in question is covered by the Cohesion Fund). Under this proposal, it is proposed that the Union contribution could be increased by 20 percentage points, if the Member State satisfies one of the following conditions at the time at which they submit their draft annual programme: i) medium-term financial assistance is made available to it in accordance with [Council Regulation \(EC\) No 332/2002](#); ii) financial assistance is made available to it in accordance with [Council Regulation \(EU\) No 407/2010](#) or financial assistance is made available to it by other euro area Member States before the entry into force of that Regulation; iii) financial assistance is made available to it in accordance with the intergovernmental agreement reached establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism. Applicability conditions are laid down in this case;
- Article 21(3) of Decision No 573/2007/EC provides that financial assistance from the European Refugee Fund for emergency measures shall not exceed 80% of the cost of each measure. The Commission proposes to allow the Union co-financing rate applicable to the European Refugee Fund programmes of the Member States concerned to be increased by 20 percentage points, provided they are benefiting from one of the support mechanisms.
- Amendment of Article 15 of Decision No 575/2007/EC establishing the European Return Fund and amendment of Article 13 of Council Decision 2007/435/EC establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 have identical content to Article 14 of Decision No 573/2007/EC. The proposal contains a similar provision increasing the Union co-financing rate by 20 percentage points.

Annual programme: once a decision granting financial assistance to a Member State under one of the support mechanisms has been taken, the Member State may submit to the Commission either a draft annual programme or a draft revised annual programme applying the increased Union co-financing rate.

However, once an action of a specific annual programme has been co-financed at the increased Union co-financing rate, it remains so until the end of the eligibility period of the related annual programme whether or not the Member State still benefits from one of the support mechanisms.

BUDGETARY IMPLICATIONS: there is no impact on commitment appropriations since no modifications are proposed to the maximum amounts of the Funds' financing provided for in the annual programmes for the programming period 2007-2013.

The proposal states that it shows the Commission's willingness to assist Member States in their efforts to deal with the financial crisis. The amendments will provide the Member States concerned with the necessary funds to support projects and economic recovery.

European Refugee Fund, European Return Fund and European Fund for the Integration of third-country nationals: increasing the Union co-financing rate

the European Parliament and of the Council amending Decision No 573/2007/EC, Decision No 575/2007/EC and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability.

To recall, the Commission proposal aims to offer the possibility to increase the the co-financing rates for Member States benefiting from a financial support mechanism. The proposal aims to allow for the Unions co-financing rate to be increased by twenty percentage points and thereby decrease the co-financing needs for the part of the Member States in question.

The committee supports the approach proposed by the Commission (and which already exists for other European Funds). The report states that the functioning management of migration flows is of great importance for the European Union as a whole. The inability of one Member State to ensure efficient management of migration flows does not only affect the country in question, it has also an impact on many other Member States as well. It is therefore in the interest of all Member States that the commitments made with regards to migration do not suffer from the economic difficulties in some Member States.

The committee calls on the European Parliament to adopt its position at first reading, taking over the Commission proposal.

European Refugee Fund, European Return Fund and European Fund for the Integration of third-country nationals: increasing the Union co-financing rate

The European Parliament adopted by 602 votes to 20, with 22 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council amending Decision No 573/2007/EC, Decision No 575/2007/EC and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability.

European Refugee Fund, European Return Fund and European Fund for the Integration of third-country nationals: increasing the Union co-financing rate

PURPOSE : to increase the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals for certain Member States experiencing serious difficulties with respect to their financial stability.

LEGISLATIVE ACT : Decision No 258/2013/EU of the European Parliament and of the Council amending Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability.

BACKGROUND : Decision No 573/2007/EC established the [European Refugee Fund](#), Decision No 575/2007/EC established the [European Return Fund](#) and Council Decision 2007/435/EC established the [European Fund for the Integration of third-country nationals](#), as part of the General programme Solidarity and Management of Migration Flows. These Decisions provide for different Union co-financing rates for actions supported by the Funds.

The unprecedented global financial crisis and economic downturn have seriously damaged economic growth and financial stability, provoking a marked deterioration in financial, economic and social conditions in several Member States. Some Member States are experiencing serious difficulties or are threatened with such difficulties, particularly with respect to their financial and economic stability, leading to deterioration in their deficit and debt positions and threatening economic growth heightened by the international economic and financial environment.

In this context, Ensuring the smooth implementation of programmes adopted under the four Funds established as part of the General Programme on Solidarity and Management of Migration Flows, is of particular importance as a means of injecting funds into the economy.

These Funds are also key tools for helping Member States to address important challenges in the area of migration, asylum and external borders, such as the development of a comprehensive Union immigration policy to enhance the competitiveness and social cohesion of the Union and the creation of the Common European Asylum System.

Accordingly, in order to improve the availability of funding for the Member States in the area of migration, asylum and external borders and to implement their annual programmes under the Funds, it is necessary to arrange for an increase in the Union co-financing rate under the Funds for Member States experiencing serious difficulties with respect to their financial stability.

It should be noted that this proposal is closely linked to another proposal regarding a similar amendment of the External Borders Fund.

CONTENT : this Decision contains provisions that allows an increase in the Union co-financing rate under the Funds, by an amount corresponding to twenty percentage points above the co-financing rates previously applicable, for Member States experiencing serious difficulties with respect to their financial stability.

The aim is to ensure that Member States benefiting from a financial support mechanism (or any other member state which may be concerned by such assistance in the future) continue to implement on the ground the programmes adopted under these four funds, which are part of the General Programme on Solidarity and Management of Migration Flows.

Procedure: any Member State seeking to benefit from the increased co-financing rate should provide the Commission with a written statement together with its draft annual programme or draft revised annual programme. In its statement, the Member State concerned should provide a reference to the relevant Council Decision or to any other relevant decision that makes it eligible to benefit from the increased Union co-financing rate.

Financial assistance by the EU may be increased by 20 percentage points provided that the Member State meets one of the requisite

conditions: i) medium-term financial assistance is made available to it in accordance with [Council Regulation \(EC\) No 332/2002](#); ii) financial assistance is made available to it in accordance with [Council Regulation \(EU\) No 407/2010](#) or financial assistance is made available to it by other euro area Member States; iii) financial assistance is made available to it in accordance with the intergovernmental agreement reached establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

Territorial provisions: the United Kingdom and Ireland have notified their wish to take part in the adoption and application of the Decision. Denmark, however, is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

ENTRY INTO FORCE : 23/03/2013.