

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed <a href="#">2018/0249(COD)</a>
Integrated Border Management Fund: instrument for financial support for border management and visa 2021?2027 See also <a href="#">2018/0258(COD)</a>	
Subject 7.10.04 External borders crossing and controls, visas	
Legislative priorities <a href="#">Multiannual Financial Framework 2021-2027</a>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Civil Liberties, Justice and Home Affairs</a>	 <a href="#">FAJON Tanja</a> Shadow rapporteur  <a href="#">PEETERS Kris</a>  <a href="#">CHASTEL Olivier</a>  <a href="#">KUNKE Alice</a>  <a href="#">KOFOD Peter</a>  <a href="#">BRUDZIŃSKI Joachim Stanisław</a>	04/09/2019
	Former committee responsible  <a href="#">Civil Liberties, Justice and Home Affairs</a>	 <a href="#">FAJON Tanja</a>	09/07/2018
	Former committee for opinion  <a href="#">Foreign Affairs</a>	 <a href="#">KUKAN Eduard</a>	10/07/2018
	 <a href="#">Budgets</a>	 <a href="#">HOHLMEIER Monika</a>	28/06/2018

## Key events

12/06/2018	Legislative proposal published	<a href="#">COM(2018)0473</a>	Summary
02/07/2018	Committee referral announced in Parliament, 1st reading		
19/02/2019	Vote in committee, 1st reading		
26/02/2019	Committee report tabled for plenary, 1st reading	<a href="#">A8-0089/2019</a>	Summary
12/03/2019	Debate in Parliament		
13/03/2019	Results of vote in Parliament		
13/03/2019	Decision by Parliament, 1st reading	<a href="#">T8-0176/2019</a>	Summary
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
01/03/2021	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		
17/06/2021	Council position published	06487/2021	
24/06/2021	Committee referral announced in Parliament, 2nd reading		
29/06/2021	Vote in committee, 2nd reading		
30/06/2021	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A9-0220/2021</a>	
06/07/2021	Debate in Parliament		
07/07/2021	Decision by Parliament, 2nd reading	<a href="#">T9-0344/2021</a>	Summary
07/07/2021	Final act signed		
15/07/2021	Final act published in Official Journal		

## Technical information

Procedure reference	2018/0249(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation

	See also <a href="#">2018/0258(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 077-p2; Treaty on the Functioning of the EU TFEU 079-p2
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/01285

## Documentation gateway

Legislative proposal		<a href="#">COM(2018)0473</a>	12/06/2018	EC	Summary
Document attached to the procedure		<a href="#">SWD(2018)0347</a>	13/06/2018	EC	
Document attached to the procedure		<a href="#">SWD(2018)0348</a>	13/06/2018	EC	
Committee of the Regions: opinion		<a href="#">CDR4007/2018</a>	09/10/2018	CofR	
Economic and Social Committee: opinion, report		<a href="#">CES3636/2018</a>	17/10/2018	ESC	
Committee opinion	BUDG	<a href="#">PE626.953</a>	06/11/2018	EP	
Committee draft report		<a href="#">PE629.515</a>	13/11/2018	EP	
Committee opinion	AFET	<a href="#">PE628.605</a>	07/12/2018	EP	
Amendments tabled in committee		<a href="#">PE631.990</a>	12/12/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0089/2019</a>	26/02/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0176/2019</a>	13/03/2019	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2019)393</a>	30/04/2019	EC	
Council position		06487/2/2021	17/06/2021	CSL	
Committee draft report		<a href="#">PE693.650</a>	21/06/2021	EP	
Commission communication on Council's position		<a href="#">COM(2021)0331</a>	21/06/2021	EC	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A9-0220/2021</a>	30/06/2021	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T9-0344/2021</a>	07/07/2021	EP	Summary
Draft final act		00057/2021/LEX	07/07/2021	CSL	

## Final act

[Regulation 2021/1148](#)  
[OJ L 251 15.07.2021, p. 0048](#)

Final legislative act with provisions for delegated acts

**PURPOSE:** to establish, as part of the integrated border management fund, the instrument for financial support for border management and visa for the period 2021-2027.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** effective protection of the EU's external borders is an essential precondition for managing migration flows and ensuring internal security. Strong external borders are also what allow the EU to maintain a Schengen area without internal border controls. Financial support from the Union budget is essential for the implementation of integrated European border management as implemented by the European Border and Coast Guard, set up by [Regulation \(EU\) 2016/1624](#) of the European Parliament and of the Council.

In order to respond to increased migratory and security challenges, the Commission has proposed the establishment of a new integrated border management fund under the next multiannual financial framework for the period 2021-2027. This new fund aims to provide enhanced support to Member States with a view to securing the Unions common external borders, with an envelope of EUR 9.31 billion (in current prices). A five-fold increase as compared to the current multiannual financial framework for the overall envelope for border management is foreseen for the next period.

Within that framework, the proposed integrated border management fund shall be composed of two instruments: an instrument for financial support for border management and visa and an instrument for financial support for customs control equipment.

This proposal concerns only the instrument for border management and visa. A separate [proposal](#) covering the instrument for customs control equipment is presented by the Commission in parallel.

**CONTENT:** the proposal for a Regulation - presented for a Union of 27 Member States - seeks to establish the instrument for financial support for border management and visa as part of the integrated border management fund. It lays down the objectives of the instrument, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.

**Objective:** the instrument shall ensure strong and effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Unions commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in the Union.

Its specific objectives are to:

- support effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows;
- support the common visa policy to facilitate legitimate travel and prevent migratory and security risks: the instrument shall contribute to the improvement of the efficiency of visa processing in terms of detecting and assessing security and irregular migration risks, as well as facilitating visa procedures for bona fide travellers. In particular, the instrument shall deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates.

Priority shall be given to supporting actions with a European dimension.

**Support to Member States:** in addition to a basic amount of EUR 5 million that is envisaged to be allocated to Member States at the beginning of the programming period, the financial envelope foreseen for the programmes of Member States shall be allocated based on a distribution key that shall reflect the needs and pressure experienced by Member States in the two areas covered by this instrument (border management and visas).

Funding shall be distributed based on the following weighing: 30% for external land borders, 35% for external sea borders, 20% for airports and 15% for consular offices. A mid-term review shall take into account new or additional pressures.

The remaining 40 % of the overall financial envelope shall be managed through the thematic facility, which shall periodically provide funding for a number of priorities defined in Commission financing decisions.

The instrument shall furthermore maintain support for the functioning of the Special Transit Scheme implemented by Lithuania, in line with the EUs obligations, compensating Lithuania for the transit visa fees it foregoes and additional costs it incurs as a result of the facilitated transit document (FTD) and facilitated rail transit document (FRTD) scheme, such as the costs of replacing and upgrading equipment and IT systems, and training and operational costs.

**Proposed budget:** the Commissions proposal for the next multiannual financial framework includes EUR 8.01 billion (in current prices) for the instrument for border management and visa for the 2021-2027 period. Implementation shall be by means of shared, direct or indirect management. The global resources shall be allocated as follows:

- EUR 4.81 billion (around 60%) for measures taken by Member States in border management and visa policy, including EUR 157.2 million for the special transit scheme applied by Lithuania;
- EUR 3.20 billion (40%) for the thematic facility for targeted support actions to Member States, projects with a European dimension and urgent needs.

## Integrated Border Management Fund: instrument for financial support for border management and visa 2021-2027

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Tanja FAJON (S&D, SI) on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa.

## Subject matter

This Regulation seeks to establish the instrument for financial support for border management and visa as part of the Integrated Border Management Fund for the period from 1 January 2021 to 31 December 2027.

## Objectives

As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Unions acquis and international obligations of the Union and its Member States arising from international instruments to which they are signatory.

The instrument shall contribute to the following specific objectives:

- supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect irregular immigration and cross-border crime and to effectively manage migratory flows;
- supporting the common visa policy to ensure a more harmonised approach among the Member States with regard to the issuance of visas and to facilitate legitimate travel and mitigate security risks.

## General principles

The Commission and the Member States shall cooperate in the implementation of the instrument. The Commission shall set up a helpdesk and contact point to provide support to Member States and contribute to the effective allocation of funding.

## Funding

The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR 7 087 760 000 in 2018 prices (EUR 8 018 000 000 in current prices) broken down as follows: (i) EUR 4 252 833 000 in 2018 prices (EUR 4 811 000 000 in current prices) shall be allocated to the programmes implemented under shared management, of which EUR 138 962 000 in 2018 prices (EUR 157 200 000 in current prices) for the Special Transit Scheme, implemented under shared management; (ii) EUR 2 834 927 000 in 2018 prices (EUR 3 207 000 000 in current prices) shall be allocated to the thematic facility.

## Co-financing rates

The contribution from the Union Budget shall not exceed 85% (as opposed to 75% as proposed by the Commission) of the total eligible expenditure of a project from Member States whose per capita gross national income ('GNI') is less than 90 % of that of the Union average and 75 % of the total eligible expenditure for other Member States.

## Programmes

Each programme shall set out for each specific objective the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support. As soon as a Member State decides to initiate projects with, in or in relation to a third country under this instrument, the Member State shall inform the organisations which represent the partners at national level as well as the members of the Steering Board within 10 days.

## Information, communication and publicity

The recipients of Union funding shall promote the actions and their results, by providing coherent, effective and meaningful information to multiple relevant audiences, including media and the public in the relevant languages. To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public display the Union emblem, and mention explicitly the Unions financial support

The Commission shall implement information and communication actions relating to the implementation of this instrument, its actions and results. In particular, the Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months.

## Emergency assistance

The Commission may decide to provide, on an exceptional basis, financial assistance to address urgent and specific needs in the event of a duly justified emergency situation and as a last resort. These situations can result from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area.

Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021.

## Evaluation

By 31 December 2024, the Commission shall present a mid-term evaluation of the implementation of this Regulation in order to examine the effectiveness, efficiency, simplification and flexibility of the Fund. By 31 January 2030, the Commission shall carry out a retrospective evaluation.

## Annual performance reports

By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report. Once accepted, the Commission shall make summaries of annual performance reports available to the European Parliament and to the Council, and shall publish them on a dedicated website.

# Integrated Border Management Fund: instrument for financial support for border management and visa 2021-2027

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The European Parliament adopted by 473 votes to 169 with 39 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing, within the framework of the Integrated Border Management Fund, the instrument for financial support in the field of border and visa management.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

## Subject matter

This Regulation establishes the instrument for financial support for border management and visa as part of the Integrated Border Management Fund (the Fund) for the period from 1 January 2021 to 31 December 2027.

The instrument shall contribute to the achievement of the following specific objectives:

- supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect irregular immigration and cross-border crime and to effectively manage migratory flows;
- support the common visa policy in order to ensure a more harmonised approach between Member States on the issuing of visas, to facilitate legitimate travel and to mitigate security risks.

The instrument shall be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights, including as regards the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in particular by ensuring compliance with the principle of non-refoulement, the principle of transparency, the principle of non-discrimination and the right to seek international protection.

The Commission and the Member States shall cooperate in the implementation of the instrument. The Commission shall set up a helpdesk and a contact point to provide support to Member States and contribute to the effective allocation of funds.

## Funding

The financial envelope for the implementation of the instrument for the period 2021-2027 shall be EUR 7 087 760 000 in 2018 prices (EUR 8 018 000 000 in current prices) broken down as follows:

- EUR 4 252 833 000 in 2018 prices (EUR 4 811 000 000 in current prices) shall be allocated to the programmes implemented under shared management, of which EUR 138 962 000 in 2018 prices (EUR 157 200 000 in current prices) for the Special Transit Scheme
- EUR 2 834 927 000 in 2018 prices (EUR 3 207 000 000 in current prices) shall be allocated to the thematic facility for targeted support actions for Member States.

## Co-financing rates

The contribution from the Union Budget shall not exceed 85% (as opposed to 75% as proposed by the Commission) of the total eligible expenditure of a project from Member States whose per capita gross national income ('GNI') is less than 90 % of that of the Union average and 75 % of the total eligible expenditure for other Member States.

## Programmes

Each programme shall set out for each specific objective the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support.

Before a Member State decides to implement projects with, in or in relation to a third country with the support of the instrument, it shall ensure that all actions proposed by, in or in relation to that third country comply with the international obligations of the Union and that Member State.

As soon as a Member State decides to initiate projects with, in or in relation to a third country under this instrument, the Member State shall inform the organisations which represent the partners at national level as well as the members of the Steering Board within 10 days.

## Information, communication and publicity

The recipient of Union funding shall promote the actions and their results by providing coherent, effective and meaningful information to multiple relevant audiences, including media and the public in the relevant languages. To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public, display the Union emblem, and explicitly mention the Union's financial support.

The Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. It shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months.

## Emergency assistance

The Commission may decide to provide, on an exceptional basis, financial assistance to address urgent and specific needs in the event of a duly justified emergency situation and as a last resort. These situations can result from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area.

Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021.

## Annual evaluation and performance reports

By 31 December 2024 at the latest, the Commission shall present a mid-term evaluation of the implementation of the Regulation and carry out a retrospective evaluation of the Regulation by 31 January 2030 at the latest.

By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report. These reports shall be published on a dedicated website and forward them to the European Parliament and the Council.

## Integrated Border Management Fund: instrument for financial support for border management and visa 2021-2027

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The European Parliament adopted a legislative resolution approving the Council's position at first reading with a view to the adoption of the adoption of a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.

The proposed Regulation establishes, as part of the Integrated Border Management Fund, the Instrument for Financial Support for border management and visa policy under Heading 4 (Migration and border management) of the Multiannual Financial Framework (MFF) 2021-2027.

This Regulation establishes the Fund jointly with Regulation (EU) 2021/1077 for the period from 1 January 2021 to 31 December 2027.

This Regulation lays down the policy objective of the Instrument, the specific objectives of the Instrument and measures to implement those specific objectives, the budget for the period from 1 January 2021 to 31 December 2027, the forms of Union funding and the rules for providing such funding.

### Objectives of the Instrument

The overall objective of the Instrument is to ensure a strong and effective European integrated border management at the external borders, while safeguarding the free movement of persons and fundamental rights, thus contributing to a high level of security in the EU.

The instrument will contribute to the following specific objectives:

- to support an effective integrated European management of external borders to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migration flows;
- support the common visa policy to ensure a harmonised approach between Member States in issuing visas and to facilitate legitimate travel while helping to prevent migration and security risks.

The assistance provided will be consistent with relevant EU actions, policies and priorities and complementary to assistance provided by other EU instruments. The actions financed will be implemented in strict compliance with the rights and principles enshrined in the Union acquis and the Charter, as well as the Union's international obligations in the field of fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement.

### Budget

The financial envelope for the implementation of the Instrument for the period from 1 January 2021 to 31 December 2027 is set at EUR 5 241 000 000 in current prices. An additional allocation of up to EUR 1 000 000 000, in 2018 prices, will be made to the thematic facility in accordance with the programme-specific adjustment provided for in the regulation establishing the MFF 2021-2027.

The funds of the thematic facility will be dedicated to high added-value EU priorities or will be used to address urgent needs, in line with agreed EU priorities.

### Multi-purpose equipment

The Council's position provides that assets purchased with a financial contribution from the instrument will remain available for use in other areas, including customs, maritime operations or to meet the objectives of the other two Home Affairs Funds (the [AMIF](#) and the [ISF](#)), provided that they do not exceed 30% of the total period of use of that equipment.

### Minimum level of expenditure for visa policy

The Regulation sets a binding percentage of at least 10% of Member States' programmes to cover expenditure under this specific objective. This binding percentage will not apply to the thematic facility. Member States may allocate less than the minimum percentage only if it provides a detailed explanation in its programme.

### Actions in or concerning third countries

The instrument will be sufficiently flexible to carry out actions in line with its objective, both inside and outside the EU. These actions will have to be implemented in synergy and coherence with other actions outside the EU supported by other EU instruments.

### Role of EU agencies

The expertise of the relevant EU agencies, in particular the European Border and Coast Guard Agency, the European Union Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the European Union Agency for Fundamental Rights (FRA), will be taken into account, as far as their areas of competence are concerned, in the preparation of Member States' programmes.

These agencies may also be consulted by the Commission on actions included in the operating support for which the agencies have particular expertise and in relation to monitoring and evaluation tasks.

### Actions eligible for higher co-financing rates

Certain actions considered as priorities will benefit from a higher co-financing rate. They include (i) immediate support to victims of trafficking in

human beings, (ii) the development of integrated child protection systems at external borders, (iii) measures targeting the identification of vulnerable persons, their immediate assistance and referral to protection services, (iv) the operating costs of ETIAS, (v) measures to improve the quality of data stored in the information and communication systems in the area of visas and borders, as well as (vi) measures to improve the interoperability of ICT systems.

#### Operating support

The maximum percentage of operating support is set at 33% of the amount allocated to the programme. Costs related to training activities and real estate will be covered for both objectives (borders and visas).

#### Transfer of resources

A clause is introduced to allow for the possible transfer to the instrument, at the request of the Member States, of up to 5% of the initial allocation from one of the Common Provisions Regulation ([CPR](#)) funds under shared management. Specific pre-financing rates deviating from the CPR are set for the instrument.

#### Delegated and implementing acts

The Commission's work programmes will be adopted by means of implementing acts (review procedure) and Annex III (scope of support) will be amended by means of a delegated act.