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**COMMISSION STAFF WORKING DOCUMENT**

**IMPACT ASSESSMENT**

*Accompanying the document*

**Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund**

**Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund**

**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**

**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 customs control equipment**

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## Glossary

<i>Term or acronym</i>	<i>Meaning or definition</i>
AFIS	Automated Fingerprint Identification System
AMF	Asylum and Migration Fund (2021-2027 programming period)
AMIF	Asylum, Migration and Integration Fund (2014-2020 programming period)
ANPRS	Automated Number Plate/container number Recognition System
BCP	Border Crossing Point
BMVI	Border Management and Visa Instrument
C2020	Customs 2020 Programme, as established by Regulation (EU) No 1294/2013
CAP	Common Agricultural Policy
CBRN-E	Chemical, Biological, Radiological, Nuclear and Explosive materials
CCE	Customs Control Equipment
CELBET	Customs Eastern and South-Eastern Land Border Expert Team, an expert team established under the C2020 programme and aimed at increasing collaboration at the Union's external land frontier by pooling expertise from 11 MS for strengthening and improving operational cooperation between customs authorities and with border guards and in particular at mapping available and missing customs equipment for all BCPs.
CF	Cohesion Fund
CIPS	Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks"
CMEF	Common Monitoring and Evaluation Framework
DCI	Development Cooperation Instrument
EAFRD	European Agricultural Fund for Rural Development
EASO	European Asylum Support Office
EBCGA	European Border and Coast Guard Agency
EBF	External Borders Fund
ECRIS	European Criminal Records Information Exchange System
EC3	European Cybercrime Centre
EES	Entry / Exit System
EFCA	European Fisheries Control Agency
EIF	European Fund for the Integration of third-country nationals
EMFF	European Maritime and Fisheries Fund
EMPACT	European Multidisciplinary Platform against Criminal Threats

EMSA	European Maritime Safety Agency
EPPO	European Public Prosecutor's Office
ERDF	European Regional Development Fund
ERF	European Refugee Fund
ESF	European Social Fund
ESI	Emergency Support Instrument
ESIF	European Structural and Investment Funds
ETIAS	European Travel Information and Authorisation System
EU	European Union
EUTF	European Union Emergency Trust Fund
EUROSUR	European Border Surveillance system
EUIPO	European Union Intellectual Property Office
Eurodac	EU asylum fingerprint database
Eurojust	European Agency for judicial cooperation
Europol	European Union Agency for Law Enforcement Cooperation
eu-LISA	European Agency for the operational management of large-scale IT Systems in the area of freedom, security and justice
Hercule	The Hercule programmes protect the Union's financial interests by supporting action to combat irregularities, fraud and corruption affecting the Union budget. They are administered by the European Anti-Fraud Office (OLAF).
IBMF	Integrated Border Management Fund
ISEC	Programme "Prevention of and fight against Crime"
ISF	Internal Security Fund
IT	Information Technology
JIT	Joint Investigation Team
MFF	Multiannual Financial Framework
NGO	Non-Governmental Organisation
OCG	Organised Crime Group
OECD	Organisation for Economic Cooperation and Development
PNR	Passenger Name Records
RAN	Radicalisation Awareness Network
RDPP	Regional Development and Protection Programme
RF	European Return Fund
Scheval	Schengen Evaluation mechanism
SIENA	Secure Information Exchange Network Application

SIS	Schengen Information System
SRSP	The Structural Reform Support Programme (SRSP) is an EU programme that provides tailor-made support to all EU countries for their institutional, administrative and growth-enhancing reforms. The SRSP is coordinated by the European Commission's Structural Reform Support Service (SRSS).
TFA	World Trade Organisation (WTO) Trade Facilitation Agreement, WTO Agreement on Trade Facilitation WT/ MIN (13) / W/ 8, 6 December 2013, entered into force in 2017.
SOLID	General Programme “Solidarity and Management of Migration Flows”
TFEU	Treaty on the Functioning of the European Union
UMF	Universal Message Format
VIS	Visa Information System

# 1 INTRODUCTION: POLITICAL AND LEGAL CONTEXT

## 1.1 Scope and context

### 1.1.1 Scope of the Impact Assessment

On 2 May 2018, the European Commission adopted its proposals for a new Multiannual Financial Framework (MFF) for 2021-2027<sup>1</sup>. The *Reflection paper on the future of EU finances*<sup>2</sup> states that the post-2020 MFF needs to budget migration management, internal and external security, external border control, the fight against terrorism and defence within a longer-term perspective. The size, structure and content of the future budget of the European Union (EU) will have to correspond to the political ambition that the Union sets itself for the future.

In the 2014-2020 programming period, the Union budget has underpinned the European response to the refugee crisis and to the threat of organised crime and terrorism. The funding initially earmarked for migration and security was increased to address the migration and security challenges.

The two key EU Funds addressing migration and security are the Asylum, Migration and Integration Fund (AMIF)<sup>3</sup> and the Internal Security Fund (ISF)<sup>4</sup>; other Funds, notably the external Funds and the European Structural and Investment Funds, have also supported Member States as well as partner organisations to deal with the comprehensive approach on migration that the Commission has put in place.

This Impact Assessment report reflects the decisions of the MFF proposals and focuses on the changes and policy choices which are specific to the Commission proposals for the successors to these Funds in the post-2020 Multiannual Financial Framework. Current Funds are taken as the baseline and the options for the future are assessed against the outcomes of both the ex-post evaluation of the Home Affairs Funds in the 2007-2013 programming period and the interim evaluations of AMIF and ISF as well as the changed migratory and security context. Moreover, it is in line with the principles of reform for the post-2020 Union budget, as set out in the *Reflection paper on the future of EU finances*.

The migration, borders and security cluster<sup>5</sup> will be covered by four instruments under three Funds: the Asylum and Migration Fund, the Internal Security Fund and the Integrated Border Management Fund (with a Border Management and Visa component and a Customs Control Equipment component). Due to the Treaty provisions that apply to the home affairs area, regarding the Schengen *acquis* and the protocols on the

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<sup>1</sup> COM(2018) 321.

<sup>2</sup> [https://ec.europa.eu/commission/publications/reflection-paper-future-eu-finances\\_en](https://ec.europa.eu/commission/publications/reflection-paper-future-eu-finances_en)

<sup>3</sup> Regulation (EU) No 516/2014 of 16 April 2014 (OJ L 150, 20.5.2014, p. 68).

<sup>4</sup> Regulation (EU) No 513/2014 of 16 April 2014 (OJ L 150, 20.5.2014, p. 143) and Regulation (EU) No 515/2014 of 16 April 2014 (OJ L 150, 20.5.2014, p. 143).

<sup>5</sup> Covered by heading 4 "Migration and Border Management" and heading 5 "Security and Defence". Heading 5 also covers defence and crisis response.

positions of the United Kingdom, Ireland and Denmark, the creation of the Funds requires the adoption of four separate legislative instruments.

The creation of a new instrument dedicated to customs control equipment will support the management of the external borders of the Union. Dealing with goods (as opposed to persons) and the protection of the financial interests of the Union and its Member States, Customs Union and customs cooperation are different areas of EU intervention than security and border management under the Treaties, subject to dedicated Union legislation and a specific EU action programme<sup>6</sup>.

Nevertheless, under a new Integrated Border Management, the strong operational connections between border control and customs control and the fact that both take place at the Union's external borders, can be underpinned with enhanced funding linkages, especially as regards customs equipment. Whereas the current Customs programme, as the main or only means of customs financing at Union level, allows funding for cooperation, IT systems as well as administrative capacity building of the national customs administrations, it did not provide means to fund customs detection and control equipment. Other EU instruments (Hercule<sup>7</sup>, the Structural Reform Support Programme and the European Structural and Investment Funds (ESIF)) only marginally support funding of such equipment. As a new instrument, the customs control equipment (CCE) component is subject to different considerations than AMIF and ISF, but it may also benefit from experience gained in these areas over the recent years and vice versa.

The MFF proposals for the 2021-2027 programming period indicate that the Asylum and Migration Fund is proposed to have a budget of EUR 10.415 billion, the Integrated Border Management Fund a budget of EUR 9.318 billion (of which EUR 8.018 billion for its Border Management and Visa component and EUR 1.3 billion for its Customs Control Equipment component) and the Internal Security Fund a budget of EUR 2.5 billion<sup>8</sup>.

This Impact Assessment meets the requirements of the Financial Regulation<sup>9</sup> in respect of preparing an ex-ante evaluation.

### *1.1.2 Policy context in the areas of asylum and migration, borders and customs control equipment, and security*

Over the past three years, **migratory challenges have increased**. Flows in the EU have evolved greatly. The number of irregular arrivals to the Union in the wake of the migratory crisis has been unprecedented<sup>10</sup>, posing a serious challenge to the systems of Member States in the area of reception, asylum and migration and the proper functioning

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<sup>6</sup> COM(2018) 442.

<sup>7</sup> The only existing EU instrument which finances the purchase of customs equipment, among other activities, is the Hercule III Programme, whose main objective is to fight fraud affecting the financial interests of the EU. Although the equipment made available to the customs administrations under Hercule III has had a positive impact on the protection of the EU's financial interests, its specific focus and rather limited financial envelope do not meet the wider requirements of customs administrations.

<sup>8</sup> Expressed in current prices.

<sup>9</sup> Regulation (EU, Euratom) No 966/2012 (OJ L 298, 26.10.2012, p. 1).

<sup>10</sup> More than 1.8 million irregular border crossings detected in 2015 (Risk analysis data of the European Border and Coast Guard Agency (EBCGA)).

of the Schengen area. The number of asylum applications was approximately 5.6 times higher in 2016 (1 260 910) than in 2008 (225 150, Eurostat). It decreased in 2017 (704 630) but remains at substantially higher level than the average of the pre-crisis years.

Member States at the external borders of the Union, Greece and Italy in particular, have been mostly affected by the reception of migrants upon their immediate arrival, while Germany, Hungary, Italy, Sweden, France and Austria received the highest number of asylum applications in 2015 and 2016<sup>11</sup>.

Eurostat statistics on return and asylum show that with approximately 2.6 million asylum applications in 2015 and 2016 combined, and considering that the first instance recognition rate stands at 47% in 2017, over one million people may need to be returned once their asylum applications have been processed. On the other hand, return rates at Union level have not yet been improving to the extent necessary (46.3% in 2016).

The number of non-EU nationals arriving to the EU via legal pathways is set to increase in the future. Statistics show that the EU is already facing significant labour and skills shortages in key sectors<sup>12</sup>. The EU's working age population is also declining, making migration an increasingly important way to enhance the sustainability of social security systems and to support growth, but also requiring immediate and long-term integration support.

Data related to the situation at the external border also illustrate the changing of paradigms relating to **border management** as the total number of irregular border crossings between Border-Crossing Points (BCPs) increased from 282 933 crossings in 2014 to 1 822 177 in 2015 and 511 371 in 2016<sup>13</sup>.

The number of visa applications processed by Member States has increased considerably. The number of visas processed in 2017 was 16.1 million, representing a 50% increase compared to 2009 (11 million).

With 2 140 customs offices<sup>14</sup> that need to be equipped to implement the common customs legislation, **customs control equipment** funding is a long-standing political issue within the Customs Union. Member States have repeatedly expressed the need for financial support and requested an in-depth analysis of the equipment needed. In its conclusions on customs funding on 23 March 2017, the Council invited the Commission to "*evaluate the possibility of funding technical equipment needs from future Commission financial programmes and improve coordination and [...] cooperation between Customs Authorities and other law enforcement authorities for funding purposes*".

**Terrorism as well as the evolving threats linked to organised crime and cybercrime are critical challenges for the EU and its Member States**, attacking its values as well as its social and economic model. In the period 2014-2016, a total of 554 failed, foiled or

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<sup>11</sup> DE: 1 221 665 applicants (total for 2015 and 2016), HU: 206 565 applicants, IT: 206 500 applicants, SE: 191 240 applicants, FR: 160 435 applicants and AT: 130 415 applicants.

<sup>12</sup> A potential shortfall of around 1 million workers is estimated by 2020 in the health sector, rising up to 2 million if long term care and ancillary professions are taken into account.

<sup>13</sup> Risk Analysis data from the EBCGA.

<sup>14</sup> Annex of the Annual 2016 Report of the Customs Union Performance.

completed terrorist attacks were reported in the EU, and 294 people died. The scale and the flow of European citizens who have radicalised and/or joined terrorist groups in conflict zones, in particular in Syria, Iraq and Libya, as well as the networked nature of these conflicts, are unprecedented<sup>15</sup>.

Furthermore, serious and organised cross-border crime has been finding new avenues to operate in the EU and new ways to escape detection. More than 5 000 Organised Crime Groups (OCGs) would be operating in the EU in 2017, compared to 3 600 in 2013<sup>16</sup>.

Finally, cybercrime is an ever-growing threat. On average, globally more than 4 000 ransomware attacks have occurred daily since the beginning of 2016, representing a 300% increase compared to 2015. Studies suggest that the economic impact of cybercrime increased by 500% from 2013 to 2017, and is projected to rise significantly by 2019<sup>17</sup>. Threats such as those posed by cyberterrorism and hybrid threats could also increase in the years to come.

### 1.1.3 Policy response

Migration and security being at the top of the political agenda, the Union's response has been swift and comprehensive, formulated in the Agendas for Migration<sup>18</sup> and Security<sup>19</sup> adopted in 2015.

The **Agenda on Migration**, as confirmed by the regular reports on its delivery<sup>20</sup>, has set out actions to reduce the incentives for irregular migration, efforts to save lives and secure the external borders of the Union, actions supporting a strong common asylum policy and supporting a new policy on legal migration. The continuous implementation of the EU-Turkey Statement<sup>21</sup>, the Partnership Framework<sup>22</sup> and the joint actions taken on the Central Mediterranean route have brought the number of arrivals down by almost 30% compared to 2014, before the crisis. The management of the external borders of the Union has taken a major step forward with the hotspot approach<sup>23</sup>, where Union Agencies (most notably the reinforced European Border and Coast Guard Agency (EBCGA)<sup>24</sup>, the European Asylum Support Office (EASO) and the European Union Agency for Law Enforcement Cooperation (Europol)) work together in a coordinated manner to manage exceptional migratory flows.

More than two years on, the EU relocation scheme<sup>25</sup> is successfully coming to an end. To date, more than 96% of all eligible applicants registered have been relocated from Italy and Greece with almost all Member States contributing. The EU resettlement scheme adopted in July 2015 was also successfully completed in 2017 (19 432 vulnerable

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<sup>15</sup> Europol – EU Terrorism Situation and Trend Reports 2015, 2016 and 2017.

<sup>16</sup> Europol – European Union Serious and Organised Crime Threat Assessment 2017.

<sup>17</sup> Computer Crime and Intellectual Property Section of the United States Department of Justice (2016).

<sup>18</sup> COM(2015) 240.

<sup>19</sup> COM(2015) 185.

<sup>20</sup> COM(2017) 558, COM(2018) 250 and COM(2018) 301.

<sup>21</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

<sup>22</sup> COM(2016) 385.

<sup>23</sup> As outlined in the European Agenda on Migration (COM(2015) 240).

<sup>24</sup> Regulation (EU) 2016/1624 of 14 September 2016.

<sup>25</sup> Council Decisions (EU) 2015/1523 and 2015/1601.

persons resettled to Europe) and resettlements under the EU-Turkey Statement continue. A new resettlement scheme was launched in September 2017 for at least 50 000 refugees, with a particular focus on refugees on the Central Mediterranean route and those displaced by the conflict in Syria. At the same time, progress is being made in improving cooperation on return with countries of origin, while the Commission also proposed stricter conditions for processing visas when a partner country does not cooperate sufficiently on readmission.

In order to consolidate these positive trends, the Commission has launched a reform of the Common European Asylum System, with a solidarity component in the Dublin system<sup>26</sup> and a proposal to establish a permanent Union resettlement framework<sup>27</sup>, under negotiation. The Action plan on the integration of third-country nationals<sup>28</sup> and the Renewed Action plan promoting an effective return policy in the European Union<sup>29</sup> were launched in 2016 and 2017 respectively.

The Commission has also made proposals on legal migration, with the revision of the Blue Card Directive under negotiation<sup>30</sup>, and is carrying out an evaluation of the legal migration framework to identify weaknesses as well as possible ways of simplifying and streamlining it.

The interim evaluation of the Asylum, Migration and Integration Fund (AMIF) showed that EU funding, being part of the policy response, contributed to policy results and provided added value. Despite their relatively small size in comparison with the challenges raised by the crisis, EU Funds have had an added value by supporting actions with a transnational dimension, boosting national capacities and optimising procedures related to migration management, and enhancing solidarity and responsibility sharing between Member States, in particular through emergency assistance and the relocation mechanism.

#### *EU added value of the Asylum, Migration and Integration Fund*

By the beginning of 2017, AMIF supported the creation of almost 7 500 additional places in reception centres, and provided assistance to 814 000 asylum applicants and beneficiaries of international protection. With the help of emergency assistance, shelter has been provided to 35 000 people in Greece, including more than 400 safe places for unaccompanied minors.

More than 32 000 persons were resettled and more than 34 000 persons have been relocated from Italy and Greece<sup>31</sup>.

Integration assistance was also provided to more than 1 400 000 third-country nationals<sup>32</sup>. The added value of support through AMIF relied also on the synergies and complementarities achieved with the European Structural and Investment Funds

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<sup>26</sup> COM(2016) 270.

<sup>27</sup> COM(2016) 468.

<sup>28</sup> COM(2016) 377.

<sup>29</sup> COM(2017) 200.

<sup>30</sup> COM(2016) 378.

<sup>31</sup> COM(2018) 301 (resettlement of 27 637 persons to Member States participating in AMIF).

<sup>32</sup> AMIF 2017 annual implementation reports, covering the period until 15 October 2017.

(including the European Social Fund (ESF) and the European Agricultural Fund for Rural Development (EAFRD)), as regards integration and with the external instruments in the areas of migrant protection, asylum and return. Examples were, in the area of asylum, the implementation of the Regional Development and Protection Programmes (RDPPs)<sup>33</sup> in North Africa and in the Horn of Africa and, in the area of return, the AMIF contribution to the readmission agreements and mobility partnerships with third countries and the creation of the conditions for sustainable return and reintegration in the countries of origin (126 000 persons have been returned at the end of 2017)<sup>34</sup>.

### ***Border management***

Facilitating legitimate travel, while preventing irregular migration and security risks, is also a key objective of the Agenda on Migration. On 14 March 2018, the Commission presented its ideas on how to adapt the common visa policy to new challenges, including through a revision of the legal framework of the Visa Information System (VIS). The Commission also presented a legal proposal that addresses the existing divergent practices among Member States and ensures that visa-issuing rules can play a part in the Union's readmission policy.

To preserve and strengthen the Schengen area, Member States are obliged, since 6 April 2017, to carry out systematic checks against relevant databases on EU citizens who are crossing the Union's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation. The European Integrated Border Management Strategy is being implemented by the European Border and Coast Guard, a close cooperation between its constituent parts, namely the European Border and Coast Guard Agency and the Member States' border guards. All of this will enable the Union to achieve its main goal of reinforcing the functioning of the Schengen area without internal border control.

### ***EU added value of the Internal Security Fund – Borders and Visa***

ISF Borders and Visa is playing a crucial role in supporting the management of the external borders, providing EU support to the most affected Member States as a sign of shared responsibility for managing the common Union border. For example, Member States are supported for the implementation of the European Border Surveillance system EUROSUR<sup>35</sup> and the acquisition of border management equipment that is put at the disposal of the EBCGA.

ISF Borders and Visa is also a main source of financial support for the development and maintenance of the Schengen and the Visa Information Systems<sup>36</sup> and, more generally,

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<sup>33</sup> RDPPs aim at enhancing the capacity of non-EU countries in the regions from which many refugees originate or through which they pass in transit as regards refugee protection, return, local integration and resettlement.

<sup>34</sup> AMIF 2017 annual implementation reports, covering the period until 15 October 2017.

<sup>35</sup> EUROSUR is a multipurpose system for cooperation between the EU Member States and the EBCGA in order to improve situational awareness and increase reaction capability at external borders. The aim is to prevent cross-border crime and irregular migration and contribute to protecting migrants' lives. It comprises all Schengen area countries and Bulgaria, Romania and Croatia.

<sup>36</sup> The Schengen Information System (SIS) is a large-scale information system that supports external border control and law enforcement cooperation in the Schengen States. The SIS enables competent authorities,

supporting the common visa policy, including by strengthening national capacity and increasing consular coverage, thereby combatting irregular migration and facilitating legitimate travel.

Through the Fund, deficiencies found in the application of the relevant legislation by the Member States through the Schengen Evaluation mechanism (Scheval) have also been addressed in order to ensure that Union law is applied in a uniform way on the ground and contributes to the EU's integrated border management. Furthermore, emergency assistance (over EUR 300 million) has enabled to strengthen the Union's external border, notably in Greece, Italy and Bulgaria in face of a significant migratory pressure.

#### *EU added value of Funds working in synergy – the hotspot approach*

A key element in the EU's support to Member States is the hotspot approach. AMIF, ISF Borders and Visa and ISF Police have made a tangible difference by supporting the setting up of hotspot areas<sup>37</sup>. Their capacity reached more than 7 000 places in Greece and more than 1 500 places in Italy. In 2015, before the establishment of the hotspots, only 58% of migrants were fingerprinted upon arrival in Italy, currently almost 100% of migrants are.

#### ***Customs Control Equipment***

Improving the performance of customs controls throughout the Customs Union and avoiding diverting flows of goods towards the weakest points has been another key policy objective.

In the absence of a dedicated programme or Fund, the Commission supported Member States by redirecting them to the other EU funding options: the European Structural and Investment Funds (ESIF) and support investment in transport and other EU networks; the EU Neighbourhood Instrument, Hercule III<sup>38</sup> and the External Borders Fund (EBF).

However, these solutions have proven to be not satisfactory as it did not allow for Customs needs to be sufficiently addressed among the overall structural needs nor did it allow for a minimum level of homogeneous or streamlined customs control and detection equipment at the border, thus creating opportunities to identify the weakest BCP for malpractices.

The Commission launched several initiatives to better scope the issue of equipment under the Customs 2020 programme but the absence of dedicated Union intervention prevented addressing in a systematic and comprehensive manner imbalances that exist between Member States, due to differences in the capacities and resources available. Their ability to react to challenges generated by the constantly evolving global business models,

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such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects. This database included 70 827 959 alerts, 3 983 457 108 searches and 200 778 hits in 2016. The Visa Information System (VIS) allows Schengen States to exchange visa data.

<sup>37</sup> In the hotspot approach EASO, EBCGA, Europol and the EU Agency for judicial cooperation (Eurojust) work on the ground with the authorities of frontline Member States to help to fulfil their obligations under EU law and swiftly identify, register and fingerprint incoming migrants. The hotspot approach also contributes to the implementation of the relocation schemes.

<sup>38</sup> Hercule III has proven to be a successful instrument, valued as such by its stakeholders, as demonstrated by the 2017 independent mid-term evaluation.

threats and supply chains depend not only on the IT and human components – adequately supported by the existing customs legislation and programme – but also on the availability of state-of-the-art and reliable control equipment – an issue with strong connections with border management.

Against this background, it is thus proposed to reinforce the Customs Union, the related customs policy and its programme by establishing a new Instrument for customs control equipment, closely linked to support for border management through the Integrated Border Management Fund in view of the particular, deep and operational connection of the equipment file with border management.

#### *EU added value of the future Customs Control Equipment Fund*

The Customs Union has a key function, not only in view of its traditional role of protection of the financial interests of the Union and its contribution to the Union budget as well as of trade facilitation, but also because customs authorities play a decisive role in the safety, security and border-management.

Currently, Customs services of several EU Member States suffer from the severe shortage of customs control equipment<sup>39</sup>: 53% of the EU Customs BCPs at the EU Eastern and South-Eastern Land Borders lack automated number plate/container number recognition systems (ANPRS) that would be needed for risk management; 46% of them lack scanners for cargo and vehicle inspection of trucks and wagons; and 51% lack personal hand control equipment.

This lack of fundamental control equipment puts at risk the EU Internal Market and EU security and financial interests through:

1. Insufficient protection of the financial interests of the Union and its Member States via the better collection of customs duties<sup>40</sup>;
2. Ineffective fight against illegal trade and reduced facilitation of legal trade processing;
3. Decreased security and safety of the EU internal market, the Union and its citizens and the protection of the environment.

Supporting the creation of an adequate and equivalent level of protection of the Union's external borders for goods – as a complement to existing instruments under ISF as regards persons – would thus contribute to a better functioning of the Customs Union. In view of the challenges facing the world, the EU and its Customs Union and in particular the continued need to ensure the security and safety, while securing revenues and easing the flow of legitimate trade, the availability of state-of-the-art and reliable customs control equipment at the external borders is a must.

The *Agenda on Security* has provided a clear framework for the Union and its Member States to address better together security concerns and was the basis for the European

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<sup>39</sup> 2017 Customs 2020 Programme activity (Customs Eastern and South Eastern land Border Expert Team – CELBET expert team - reports in 2017).

<sup>40</sup> Council report 11760/17 on the fight against excise fraud (8 September 2017) noted that "according to conservative estimates, tobacco product smuggling costs national and EU budgets more than 10.2 billion EUR in lost public revenue annually".

Council's endorsement of a renewed Internal Security Strategy, adopted on 16 June 2015. Its priorities focus on combatting terrorism, organised crime and cybercrime, and progress towards an effective and genuine Security Union. To combat terrorism, actions have been implemented or proposed which include preventing and combatting radicalisation and terrorist financing, protecting public spaces and restricting the use of Chemical, Biological, Radiological, Nuclear and Explosive (CBRN-E) materials, improving the controls on explosives precursors.

To combat cybercrime, operational measures are complemented by proposals to build EU resilience to cyber-attacks, creating effective EU cyber deterrence and strengthening international cooperation on cybersecurity, as well as improving the capacity to identify perpetrators of cybercrime and cyber-attacks. The EU Policy Cycle for serious and organised crime is delivering a more coordinated strategic direction and implementation of joint operations of authorities in Member States.

#### *EU added value of the Internal Security Fund – Police*

ISF Police has been part of the Union response, providing Member States with the opportunity to work together to effectively tackle cross-border crimes and risks, enhancing cooperation and the exchange of information between law enforcement authorities in different Member States, and supporting the development of the necessary capabilities. These include the Secure Information Exchange Network Application (SIENA)<sup>41</sup> used by Europol, Member States and third parties, the exchange of DNA, fingerprinting and vehicle registration numbers via the Prüm Decision<sup>42</sup>, the continued development of the Universal Message Format (UMF), which offers important benefits such as shorter response times and improved data quality, or the creation of dedicated Passenger Information Units in the context of the Passenger Name Record Directive (PNR)<sup>43</sup>, while also supporting the interoperability of different security systems in order to combat cross-border crime.

ISF Police also co-funded successful actions to prevent and counter radicalisation, such as the Radicalisation Awareness Network (RAN)<sup>44</sup> and the EU Internet Forum<sup>45</sup>. In the aftermath of the terrorist attacks in Paris in 2015, emergency assistance funding has helped to put in place a digital solution to process large amounts of surveillance data, increasing the preparedness of the Union to possible new threats.

#### **Information systems for security, border and migration management**

Legislative acts have been adopted or proposed towards stronger and smarter information systems for security, border and migration management, making the data architecture of EU information systems more effective and efficient. These include the Entry / Exit

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<sup>41</sup> SIENA is managed by Europol and enables a swift and secure communication and exchange of operational and strategic crime-related information.

<sup>42</sup> Council Decision 2008/615/JHA of 23 June 2008 (OJ L 210, 6.8.2008, p. 1).

<sup>43</sup> Directive (EU) 2016/681 of 27 April 2016 (OJ L 119, 4.5.2016, p. 132).

<sup>44</sup> The Radicalisation Awareness Network brings together practitioners on the prevention of radicalisation.

<sup>45</sup> Launched in December 2015, it brings together EU Home Affairs Ministers and stakeholders to reduce accessibility to terrorist content online and empower civil society partners to increase alternative narratives online.

System (EES)<sup>46</sup>, the European Travel Information and Authorisation System (ETIAS)<sup>47</sup>, the Schengen Information System (SIS)<sup>48</sup>, the Automated Fingerprint Identification System (AFIS), Eurodac<sup>49</sup>, the European Criminal Records Information Exchange System (ECRIS)<sup>50</sup> and Passenger Name Records (PNR). In order to improve the management of data in the area of security, border and migration management there is an increased need for the interoperability of these IT systems<sup>51</sup>.

## **1.2 Lessons learned from previous programmes**

### *1.2.1 Key findings from evaluations of previous programmes*

The interim evaluations of the Funds of the 2014-2020 programming period, as well as the ex-post evaluations of Funds under the 2007-2013 programming period (instruments under the "Solidarity and Management of Migration Flows" (SOLID) Programme, "Prevention of and fight against Crime" (ISEC), and "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks" (CIPS)) allowed to identify the findings indicated below. The added value of the Funds having been outlined in the previous section, the following analysis will focus on the other key evaluation criteria of relevance, effectiveness, efficiency (including simplification and reduction of administrative burden) and coherence (including complementarity).

#### *1.2.1.1 Relevance, scope and size of the Instruments*

The broad scope of AMIF, ISF Borders and Visa and ISF Police ensured they could support the implementation of the necessary actions needed at EU level in the home affairs area. Other EU Funds contribute to migration, border management and security objectives within their scope of intervention.

Due to the migratory and security crises significant budget reinforcements were needed, raising the available budget from EUR 6.9 billion for the 2014-2020 programming period to EUR 10.8 billion. Please find an overview of the Funds in the 2007-2013 and 2014-2020 programming periods in Annex 3.

The possibility to provide emergency assistance (through direct management) has contributed to ensuring the relevance of the Funds by increasing their flexibility but it was used at a significantly higher scale than originally intended, to respond adequately to the unprecedented large-scale migratory movements and security challenges. In certain cases emergency assistance was also used to support actions that contribute to long-term capacity building.

The interim evaluations also showed that even if the scope of the Fund was sufficiently broad to enable the implementation of the necessary actions in the areas of external border management and common visa policy, as regards ISF Police, stakeholders

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<sup>46</sup> Regulation (EU) 2017/2226 of 30 November 2017 (OJ L 327, 9.12.2017, p. 20).

<sup>47</sup> COM(2016) 731.

<sup>48</sup> COM(2016) 881, 882 and 883.

<sup>49</sup> COM(2016) 272.

<sup>50</sup> COM(2017) 344.

<sup>51</sup> COM(2017) 793 and COM(2017) 794.

expressed a need to further promote the external dimension, in order to better address global security threats.

Furthermore, allocations being fixed at the beginning of the programming period, on the basis of statistical data, do not reflect changes in the needs of Member States during the implementation period. For example, the United Kingdom was the largest beneficiary of AMIF based on pre-crisis data, while in fact other Member States (such as Germany) were most affected by the crisis. When providing additional financial support during the programming period, the distribution key established at the beginning of the programming period does not allow for flexibility, potentially affecting the effectiveness and efficiency of the Funds. For example, when allocating funding to implement the PNR Directive under ISF Police, France received double the funding needed while other Member States received much less funding than needed. More flexibility would be needed as far as the implementation of national programmes is concerned and a distribution system should be adaptable in order to ensure an appropriate response to changing needs.

#### *1.2.1.2 Effectiveness*

The interim evaluations show that AMIF and ISF are considered as effective, contributing to their objectives although the migration and security crisis impacted their effectiveness, since the challenges they needed to address increased. The possibility to use emergency assistance was generally highlighted as crucial to ensure the responsiveness of the Funds in changing circumstances.

Both the ex-post evaluations of the 2007-2013 Funds and the interim evaluations of the current Funds show that a mix of delivery modes in the areas of migration, border management and security allowed for an effective way to achieve the objectives of the Funds. The holistic design of the delivery mechanisms should be maintained.

On the other hand, the evaluations point to the lack of flexibility, to be balanced with predictability as Responsible Authorities and beneficiaries need financial and legal certainty to plan the implementation of the Fund throughout the programming period, as a limitation to their effectiveness. Although the ISF Borders and Visa Regulation includes a financial envelope to be distributed across the national programmes in the framework of the mid-term review, this was not foreseen in the AMIF and ISF Police Regulations, limiting the possibility to provide additional funding to the national programmes. Another limitation relates to the fact that the mid-term review can only be used at a pre-defined time during the implementation period. The migration and security crises have shown that flexibility was needed from the beginning of the programming period onwards to be able to react to changes on the ground.

The interim evaluations also note the need for a clear intervention logic, and that more focused national programmes would increase the effectiveness by allowing to prioritise some objectives, and the importance of a full monitoring and evaluation system. Designed at an early stage, it ensures a consistent and uniform monitoring of progress and effectiveness from the outset. The shortcomings of the SOLID Funds in this respect (absence of mechanisms common to all Member States, with baselines and targets) have

been largely addressed in AMIF and ISF. Common indicators for shared management are used and a common monitoring and evaluation framework (CMEF) has been designed. However, the interim evaluations also show that it was established late and needed to be improved, also as regards baseline values and the clarity of the indicators. This would allow for better tracking of the intended results and informing any future revisions of policy interventions, both under shared and direct management.

### *1.2.1.3 Efficiency (including simplification and reduction of administrative burden)*

The interim evaluations emphasise that stakeholders have noted progress in the simplification of the procedures, especially as regards the programming phase (ISF Borders and Visa), less though as regards AMIF and ISF Police. Innovative measures (simplified cost options, multiannual programming) are considered beneficial. Although the late adoption of the legal bases and the need to complete the programming exercise of the national programmes as well as the designation of authorities, as set out in those legal bases, have delayed the implementation of the Funds, overall implementation seems on track. Establishing common rules on the implementation of AMIF and ISF (through the Horizontal Regulation<sup>52</sup>), has supported the management of the three funding instruments, leading to close cooperation between – and in some cases the unification of – the entities responsible for the management of the two Funds.

Furthermore, a number of changes compared to the previous programming period were introduced and have simplified the management of the programmes: **multiannual programming** (the ex-post evaluations of the SOLID programmes had shown that annual programming provided insufficient predictability for Member States and resulted in a high administrative burden, both for the managing authorities and for the Commission), a **simplified Management and Control System** (the involvement of a separate Certifying Authority is no longer required), **increased alignment with rules** applicable to other EU shared management Funds; Simplified Cost Options were introduced, and more flexibility granted to Member States to set up the **rules on the eligibility of expenditure**.

However, the administrative burden is still perceived to be too high by both managing authorities and beneficiaries, undermining the efficiency of the Funds. For example, even though the use of national eligibility rules has the potential to reduce administrative burden, eligibility rules that are applied at times remain too heavy. Simplified Cost Options are not applied to the full extent. Several stakeholders indicated that the introduction of national eligibility rules did not simplify the implementation of the Funds.

There is also a relatively high administrative burden for both Member States and the Commission in the provision of emergency assistance through direct management. This entails setting up a detailed grant agreement in a short period of time and more detailed reporting requirements towards the Commission for the beneficiaries (compared to shared management).

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<sup>52</sup> Regulation (EU) No 514/2014 of 16 April 2014 (OJ L 150, 20.5.2014, p. 112).

The interim evaluations also show the need for a sufficient level of technical assistance to facilitate the successful management of the Funds and for further efforts to simplify access to the Funds for potential beneficiaries by providing information regarding actions and funding opportunities.

Furthermore, the current reporting system would not allow for adequately tracking investments in the Union's policy priorities and there is no mechanism aiming at improving performance, such as, for example, a system of incentives which would further improve the effectiveness and efficiency of the Funds. In the absence of such mechanism, Member States that perform well in the implementation of the Funds could not be rewarded. This could have increased the effectiveness of the Funds to achieve their objectives.

#### *1.2.1.4 Coherence (including complementarity)*

The ex-post evaluations of SOLID indicate that some Member States reported that complementarities could be improved with the European Social Fund as regards integration measures, and with the external instruments as regards reintegration activities.

The implementation of the current Funds shows that steps undertaken during the design, planning and programming stages have facilitated their coherence and complementarity with other EU funding instruments. The format of the Funds (national programmes aiming at long term capacities, emergency assistance aiming at alleviating immediate pressure and Union Actions designed to support transnational cooperation) was considered as positive. Nevertheless, ensuring coherence and synergies remains challenging in three main areas: supporting asylum and integration objectives through ESIF, supporting border management, return and reintegration measures as well as developing protection systems in third countries and, finally, ensuring coherence between the interventions of EU Funds in the area of security.

The interim evaluations emphasise the importance to ensure complementarity of emergency assistance with the respective national programmes and other EU programmes from the start, and during implementation. In the case of ISF Borders and Visa for example, complementarity should be increased at implementation stage. Overall, further efforts are needed to improve cooperation, coordination and strategic steering in the implementation of AMIF and ISF with other EU level initiatives.

#### *1.2.2 Consultation activities*

In the context of this Impact Assessment the Commission has undertaken a broad range of consultation activities in order to assess how well the existing programmes meet the needs in the areas of migration and security and how they could be improved to address future challenges and adequately support the Union's objectives in these areas.

Two dedicated **open public consultations** ran from 10 January 2018 to 9 March 2018 *on EU funds in the area of migration* and *on EU funds in the area of security*. Overall, respondents strongly supported the need for simplification in the delivery of home affairs Funds, greater flexibility (specifically in relation to the ability to respond to migration and security related crises), and for increased funding and support in areas with strong

responsibility-sharing (asylum and border management) and/or high level of cooperation between Member States, as well as cooperation with Home Affairs Agencies. Responses demonstrate that through these measures the effectiveness and efficiency of instruments can be improved and the EU added value enhanced. The need for greater home affairs policy leverage in third countries was also indicated by stakeholders. A summary of the consultation results is provided in Annex 2.

Consultations with Member States and Schengen Associated Countries took place in the framework of the AMIF-ISF Committee<sup>53</sup>. Member States provided inputs on the main funding priorities, problems, the architecture of the Funds and delivery modes. Other key stakeholders, including beneficiaries of AMIF and ISF through direct and indirect management, such as international organisations and civil society organisations were also consulted, as well as Home Affairs Agencies.

Stakeholders concurred that in order to maximise EU added value, EU spending should reflect Union level priorities and policy commitments and should support the implementation of the Union home affairs *acquis*. Stakeholders called for sufficient funding to be made available to face current and newly emerging challenges. Sufficient funding should also be made available for the Home Affairs Agencies, in line with their increasing activities. Stakeholders agreed on the need for more flexibility embedded within the structure of the Funds. They found that, in order to retain sufficient flexibility to be able to react to changing circumstances, the multiannual national programme should be maintained. Non-governmental organisations (NGOs) were of the view that direct management should also be continued.

These consultations confirmed an overall consensus among key stakeholders on the need for a wider scope of action for EU funding, including as regards its external dimension, enhancing the impact of home affairs policies, more simplification in the delivery mechanisms and greater flexibility, notably to respond to emergencies.

#### *Specific consultations as regards the new CCE fund*

As a new component under the Integrated Border Management Fund, CCE cannot benefit directly from lessons learned from evaluations of past experience. However, in the context of the study on the post-2020 customs programme the needs and challenges as regards customs control equipment were examined. In particular, a **dedicated survey** and specific interviews and **case studies** were performed. An **overall open public consultation** also took place from 10 January 2018 to 9 March 2018 on *EU funds in the area of investment, research & innovation, SMEs and single market*, which addressed the customs aspects as well and *inter alia*. A summary of all these contributions is provided in Annex 2.

All these activities confirmed the diagnostic, need for Union action and expected strong EU added value. Indeed, the ever growing volumes of goods together with the increasing need for efficient and swift border control are underpinned not only by the traditional

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<sup>53</sup> Comprised of the representatives of the Responsible Authorities for the AMIF and ISF national programmes.

function of customs to collect revenue but also by the necessity to extensively reinforce the control of goods entering and exiting EU external borders to ensure safety and security. At the same time, these controls governing the movement of goods across the external borders should not impair but rather facilitate legitimate trade. Customs control equipment is an essential element for fulfilling these objectives and there is accordingly an urgent need to foresee a dedicated EU instrument aimed at addressing current imbalances and thereby ensuring a uniform application of customs rules at EU borders.

## **2 THE CHALLENGES**

### **2.1 The main challenges to be addressed in the post-2020 MFF**

From the evaluation and consultation activities outlined in section 1.2, the main challenges to be addressed in the post-2020 MFF are identified in this section. The interim evaluations plead for continuity in the objectives and structure of the Funds. The main challenges are the cross-cutting challenges for the MFF, relating to flexibility, simplification, coherence and complementarity, and achieving the highest EU added value. Changes in the objectives and structure of the Funds are presented in section 3.

### **2.2 Enhancing flexibility within a stable framework**

The constantly evolving challenges in the areas of migration, border management and security require increasing the flexibility in the management of the Funds when compared to AMIF and ISF. **New mechanisms for the allocation of funding** for shared, direct and indirect management will be needed to address new challenges and priorities.

Currently, the largest share of AMIF and ISF is implemented through shared management<sup>54</sup>, where a national programme is approved by the Commission for the 2014-2020 programming period. Basic allocations to the participating States are calculated on the basis of 2008 to 2012 statistics. While the ISF Borders and Visa Regulation provides for an additional envelope to be distributed across the national programmes as a result of the mid-term review<sup>55</sup>, the AMIF and ISF Police Regulations do not have such a provision. For an overview of the current allocations under AMIF and ISF, please refer to Annex 3.

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<sup>54</sup> In the current Funds up to 76%, or EUR 8.2 billion, of the available funding is implemented through shared management, through multiannual national programmes implemented by Member States. The remaining 24%, or EUR 2.6 billion, of the funding envelope is implemented through direct and indirect management. This funding is implemented via two mechanisms: Union Actions, which are transnational actions for the benefit of the Union as a whole, and emergency assistance, which complements the national programmes of Member States having significant funding needs and which has been instrumental during the crisis years to address urgent and short-term needs. Due to the situation on the ground, the support provided through emergency assistance increased significantly from EUR 32 million in 2014 to EUR 956 million as per 30 April 2018. Indirect management represents a small share of the current Funds, with approximately EUR 60 million allocated through Union Actions and EUR 80 million allocated through emergency assistance.

<sup>55</sup> Article 6(1)(c) of Regulation (EU) No 515/2014.

To provide additional funding under shared management, funding must be distributed across all national programmes in accordance with the original distribution key, or be based on Specific Actions or lump sum payments<sup>56</sup>.

A new mechanism should address the lack of flexibility related to the static distribution key and be available throughout the programming period. It should also allow for an adequate level of predictability, since the Responsible Authorities and beneficiaries need financial and legal certainty to plan the implementation of the Fund throughout the programming period.

Mechanisms will also be needed to allocate funding in such a way that enables further **incentivising** Member States to implement Union policy priorities. Shared management has proven to be an effective delivery mechanism to Member States in maintaining and improving migration management and the response to security challenges on national level, in line with the specific needs of Member States. However, programmes implemented by Member States under shared management have not always allowed the Commission to ensure that funding was steered towards Union priorities to the extent necessary.

Finally, the possibility to provide **emergency assistance** under AMIF and ISF has increased the capacity of the Funds to react to unforeseen circumstances. Emergency assistance is implemented through direct management only. Future mechanisms should retain the possibility to provide emergency assistance while reducing the administrative burden of managing such assistance and facilitating the coordination with actions supported through the national programmes.

### **2.3 Further simplifying the rules for implementing EU Funds**

The architecture of AMIF and ISF addressed findings from the ex-post evaluations of the SOLID Funds. Establishing common rules, the Horizontal Regulation has facilitated the implementation of the three instruments and simplified the management of the Funds. Nevertheless, the evaluations also find that there is further room for improvement for simplifying the implementation of the Funds, notably by ensuring a coherent approach with rules applicable to the management of other EU Funds and by ensuring the eligibility rules under shared management make full use of simplified cost options.

### **2.4 Ensuring more coherence and synergies between actions supported by EU funding instruments**

Findings from the ex-post evaluations and the interim evaluations of AMIF and ISF show that there is still potential for improving the coherence between actions in a number of areas.

In the field of **asylum** and **integration**, establishing the necessary shifting of resources in the programmes of Member States under ESIF to include new priorities relating to asylum and integration has proven challenging (through shared management).

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<sup>56</sup> These lump-sums are provided in accordance with Articles 17 and 18 of Regulation (EU) No 516/2014.

As regards the **external dimension**, certain areas of support with regard to border protection, pre-integration, return and reintegration measures as well as developing protection systems in third countries could not be fully covered by the different funding instruments. Accompanying measures in third countries which support the Union's efforts to protect its borders and enhance sustainable returns could not be fully covered.

While the available resources in AMIF and ISF for actions with an external dimension have been limited, the Union's external financing instruments were in some cases not fully optimal for different reasons. Available allocations for migration could not, at least initially, meet the increased needs in partner countries and fragmentation exists among the available external action instruments. This was to a certain extent mitigated by pooling resources into EU Trust Funds and using an integrated and holistic approach. Given the limited allocations available to migration, priority was given to capacity building support over large scale investment in equipment and infrastructure. In addition, according to the Financial Regulation, entities that subsequently implement EU Funds must undergo a prior assessment to ensure they fulfil a number of criteria such as International Organisations, third countries, development agencies of Member States or civil society organisations. While the possibility to access such funding is open for all agencies of EU Member States, mainly development agencies have opted for this possibility and it is therefore more difficult to provide funding to others, for example to assist services of Member States needing support to return irregular migrants. As a consequence, the implementation modalities of the external financing instruments did not always allow for an adequate response to the Union's increased needs in third countries as regards migration and security.

Since 2015, allocations for migration management have increased in programmes under the external financing instruments, for instance under the Development Cooperation Instrument (DCI) in Asia and with the creation of the EU Emergency Trust Fund (EUTF) for Africa<sup>57</sup>, which has improved the situation by increasing the available financial support and streamlining implementation. However, the EUTF for Africa has a limited geographical coverage<sup>58</sup> and while its use has significantly speeded up the delivery times compared to standard external action funding, a certain period of time is still required for the coordination with beneficiary partner countries, implementing partners, including EU Member State agencies and the signature of contracts.

Key **security** priorities, such as security infrastructure, the prevention of and fight against radicalisation, cybercrime or the protection of public spaces are also partially covered by other EU Funds than ISF Police. As the evaluations show, coverage by other EU Funds

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<sup>57</sup> Established at the Valletta Summit on Migration in November 2015, the EUTF for Africa was created to address the root causes of instability, forced displacement and irregular migration and to contribute to better migration management. The Valletta Summit brought together European and African Heads of State and Government in an effort to strengthen cooperation and address the current challenges but also the opportunities of migration.

<sup>58</sup> The EUTF was created to support the priorities of the Valletta Declaration and its Action Plan, which included clearly identified countries, i.e. the main origin and transit countries in Africa. It identifies eligible countries in Africa, encompassing the major migration routes to Europe; the Sahel region and Lake Chad, the Horn of Africa and the North of Africa.

within their scope of intervention, clear dividing lines and coordination mechanisms leave room for improving the efficiency of allocating resources and targeting interventions in these areas.

Finally, there will also be a need to ensure better coherence and complementarity of the new **customs control equipment** funding programme with other EU Programmes and Funds, in particular with the Customs programme and the new Single Anti-Fraud Programme that also address challenges related to customs policy and the protection of the Union's financial interests.

## **2.5 Achieving the highest level of EU added value with a focus on performance**

Evaluations show that the scope of the Funds is adequate to support activities that maximise the EU added value in their areas of intervention. However, ensuring that the Funds support the implementation of the policy priorities of the Union will require improving the monitoring and evaluation framework in a way which also supports a strengthened performance based management. To do so, the monitoring and evaluation framework needs to be established at the beginning of the programming period in order to facilitate a swift start and indicators should allow for better measuring the performance of national programmes, with a view to monitor EU added value. There is a need to better enable tracking of whether the Funds deliver the intended results and informing any future revisions of policy interventions, both under direct and shared management. In addition, a new monitoring and evaluation framework will need to be established for the new customs control equipment component of the IBMF.

## **3 ARCHITECTURE OF THE FUNDS AND OBJECTIVES**

### *3.1 The EU's right to act and the necessity for the EU to act*

The EU's right to act in the area of home affairs derives primarily from Title V 'Area of Freedom, Security and Justice' of the Treaty on the Functioning of the European Union (TFEU):

- External borders and common policy on visa (in particular Article 77(2) TFEU);
- Common policy on asylum, subsidiary protection and temporary protection, including the partnership and cooperation with third countries (Article 78 TFEU);
- Common immigration policy and return policy, including the conclusion of readmission agreements with third countries (in particular Article 79(2), (3) and (4) TFEU);
- Judicial cooperation in criminal matters (in particular Article 82(1) TFEU);
- Crime prevention (Article 84 TFEU);
- Measures regarding police cooperation (in particular Article 87(2) TFEU);
- Cooperation with third countries and the competent international organisations (Article 212(3) TFEU).

In addition, the EU's right to act as regards customs control equipment derives from:

- Customs cooperation (in particular Article 33 TFEU);
- Internal Market (in particular Article 114 TFEU); and

- Commercial Policy (in particular Article 207 TFEU).

The challenges in the areas of asylum, migration, the management of the external borders, the prevention of and fight against serious and organised crime, terrorism and other security-related risks are by their nature interlinked, transnational phenomena and cannot be adequately addressed by the Member States acting alone.

The abolition of internal border controls must be accompanied by common measures for the effective control and surveillance of the Union's external borders as well as a common asylum and migration policy. This is necessary in order to preserve the Schengen area as an area without internal border controls, preventing and addressing any secondary movements. Article 80 TFEU states that the common policies on asylum, migration and external borders are based on the principle of solidarity and fair sharing of responsibilities between Member States. EU funding is the mechanism which gives effect to the financial implications of this principle. In addition, the integrated management of the Union's external borders and the completion of a Common European Asylum System are the most effective ways to fairly share these responsibilities and their financial implications between Member States. Finally, EU funding in the area of integration of third-country nationals is indispensable to increase the quality of support to newcomers in the early stages after their arrival, which is a crucial component of the strategy to ensure their full inclusion in the European societies in the long run.

The EU is designed to create an area of freedom, security and justice, without internal borders for its citizens. In an era where terrorism and other serious crime operate across borders, both the EU and its Member States have a responsibility towards their citizens to deliver an area of security where individuals are protected, in full compliance with the Charter of Fundamental Rights of the European Union<sup>59</sup>. In this regard, the Treaties envisage the need to ensure a high level of security, including through preventive measures, and through coordination and cooperation between police, judicial and other competent authorities. Member States have the frontline responsibility for security, but cannot address transnational threats effectively acting on their own. The tools need to be built at European level through which national authorities and, where relevant, International Organisations can effectively work together to tackle shared challenges; an effective and genuine Security Union in which the rights and freedoms of citizens are well protected.

Finally, the current imbalances at EU external borders as regards customs controls – as identified through consultations – cannot be addressed individually by each Member State. The EU Customs Union is only as strong as its weakest point. And this is all the more important when it comes to controls. Disparity in available control equipment allows customs "shopping", i.e. creates opportunities for ill-intentioned citizens or economic operators to identify the weakest BCPs for their malpractices. A coordinated approach among Member States per category of BCP (land, sea, air, postal hubs) is

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<sup>59</sup> OJ C 326/02, 26.10.2012, p. 391.

therefore necessary. Such a high degree of cooperation and coordination can only be achieved with a centralised approach, ideally at Union level.

### 3.2 *Architecture of the Funds: the Asylum and Migration Fund, the Integrated Border Management Fund and the Internal Security Fund*

The future Funds are the Asylum and Migration Fund (AMF), the Internal Security Fund (ISF) and the Integrated Border Management Fund (IBMF), consisting of two components; the Border Management and Visa (BMVI) component and the Customs Control Equipment (CCE) component. Due to the Treaty provisions that apply to the home affairs area, in particular different voting rules in the Council stemming from variable geometry pursuant to Protocols 19 (on the Schengen *acquis*), 21 (on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice) and 22 (on the position of Denmark, including in relation to Title V, part three of the Treaty), the creation of the Funds requires the adoption of four separate legislative instruments. Implementing rules for shared management, currently set-out in the Horizontal Regulation, will be included in the future Common Provisions Regulation (CPR)<sup>60</sup>.

#### 3.2.1 *Asylum and Migration Fund*

The interim evaluation of the current AMIF indicates that the scope of the Fund is sufficiently broad to support the implementation of Union policy priorities, providing EU added value. The objectives of the Asylum and Migration Fund are based on this scope of intervention. It enables support for actions in the external dimension, complementary to support provided by the external Funds, and caters to specific needs of vulnerable groups, such as victims of trafficking in human beings and children in migration.

The **general objective** of the **Asylum and Migration Fund** will be to contribute to an efficient management of migration flows, in line with the Union *acquis* on asylum and migration and in compliance with the Union's commitments on fundamental rights. The Regulation establishing the Asylum and Migration Fund is based on Articles 78(2) and 79(2) and (4) TFEU.

The **specific objectives of the Fund** will be the following:

- Strengthen and develop all aspects of the **Common European Asylum System, including its external dimension**;
- **Support legal migration** to the Member States and **contribute to the integration of third-country nationals**. Integration measures will be focused on promoting early integration measures for the social and economic inclusion of third-country nationals, preparing their active participation to the receiving society, their acceptance by the receiving society and their social and economic

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In order to ensure a coherent set of implementing rules for the EU Funds implemented under shared management, such implementing rules should be established through a common Regulation. For more information, please refer to section 4.1.3.1.

inclusion, in particular with the involvement of local or regional actors and civil-society organisations;

- Contribute to **countering irregular migration** and ensure **sustainability of return and effective readmission in third countries**.

The scope of intervention of the current Asylum, Migration and Integration Fund will remain similar in the new instrument<sup>61</sup>. However, in order to better reflect policy priorities set out in the European Agenda on Migration, the future AMF will have three specific objectives: asylum, legal migration and integration, and return. The separate specific objective of the current AMIF on solidarity and responsibility sharing between Member States would be integrated under specific objective 1 of the future AMF (asylum), incorporating resettlement and relocation to reflect policy and legislative initiatives, namely the Union Resettlement Framework and the Dublin reform. New Union competences following the reform of the Common European Asylum System would be supported through the Fund.

There are minor adaptations to the priorities and actions supported to reflect policy developments and synergies and complementarities with other EU Funds. These are:

- 1) Resettlement: the possibility for financing national resettlement schemes under the national programmes to reflect the results of the negotiations on the Union Resettlement Framework;
- 2) Integration of third-country nationals: AMF would prioritise early integration measures whereas the future ESF+ would cater for their long-term integration (please refer to section 3.3 for more information);
- 3) External dimension – legal migration and pre-departure measures: possibility to support the development of migration mobility schemes to the EU (i.e. circular and temporary migration schemes) through national programmes;
- 4) External dimension – return: possibility to support actions in third countries including on infrastructure, equipment and other measures provided these contribute to effective cooperation between third countries and the EU and its Member States on return and readmission.

AMF would introduce a higher EU co-financing rate (up to 90%) as a way to incentivise Member States to take action for some strategic priorities such as alternatives to detention, protection of children and measures targeting vulnerable persons as well as integration measures implemented by local and regional authorities as well as civil society organisations. The arrival of migrants, particularly when high numbers are concerned, has an immediate effect on the local infrastructure, provision of services, housing, education, healthcare, family benefits, job search, or transport, and budget of regional and local authorities. The arrival of asylum seekers in recent years has added further pressure on local authorities to cater for their reception and integration. In addition, migrants are usually concentrated in urban areas. Providing the possibility of a higher EU co-financing rate for integration measures implemented by local and regional

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<sup>61</sup> For a comparison between the objectives of the future Funds and the objectives of the current Home Affairs Funds, please refer to Annex 5.

authorities as well as civil society organisations would increase the effectiveness of the Fund, as the development of national integration policies would be complemented by sufficient support for integration measures at regional and local level.

### 3.2.2 *Integrated Border Management Fund*

The Integrated Border Management Fund will consist of two components. The component for Border Management and Visa supports measures related to external border management and the common policy on visa. The component for Customs Control Equipment supports enhancing customs controls through the financing of the purchase, maintenance and evolution of customs control equipment. These components are established through:

- A Regulation establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management, based on Article 77(2) and 79(2)(d) TFEU;
- A Regulation establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment, based on Articles 33, 114 and 207 TFEU.

The **general objective of the Integrated Border Management Fund – Border Management and Visa**, will be to contribute to guaranteeing a high level of security in the Union by ensuring strong and effective integrated border management while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights.

The **specific objectives** of the Fund will be the following:

- Supporting effective **European integrated border management** implemented by the **European Border and Coast Guard** (consisting of the Member States and the EU Agency) to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows;
- Supporting the **common visa policy** to facilitate legitimate travel and prevent migratory and security risks.

The objectives of the BMVI are based on the scope of ISF Borders and Visa, which is considered sufficiently broad to support the implementation of Union policy priorities, providing EU added value.

There are minor adaptations to the priorities and actions supported to reflect policy developments and synergies and complementarities with other EU Funds:

- 1) The scope of the Fund takes into account recent policy developments, such as the modernisation and digitalisation of the common policy on visas and the setting up of new interoperable large-scale IT systems;
- 2) A bigger emphasis is foreseen for EU added value projects, including through financial incentives, such as higher co-financing rates for projects under the national programmes which support strategic Union priorities, or top-up funding

for Member States that initiate transnational projects of benefit to the Union as a whole;

- 3) There is a strong focus on supporting capacity building and functioning of the newly created European Border and Coast Guard as well as moving towards the uniform application of the relevant Schengen *acquis* as regards borders and visa.

This includes conditionalities ensuring that:

- Equipment purchased with the support of the Fund is put at the disposal of the Agency for an adequate amount of time;
- Trainings supported by the Fund are implemented in line with the relevant uniform European standards;
- Recommendations or deficiencies stemming from quality control mechanisms (such as the Scheval mechanism and the European Border and Coast Guard Agency's vulnerability assessment) are addressed with the support of the Fund.

In view of the specific legal basis under the Treaties, a second legislative instrument will be necessary for establishing the new Customs Control Equipment component of the IBMF.

The general objective of the **Integrated Border Management Fund – Customs Control Equipment** will be to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from unfair and illegal trade while facilitating legitimate business activity.

The **specific objective** of the Fund will be to contribute to adequate and equivalent customs controls through the **purchase, maintenance and upgrade of relevant, state-of-the-art and reliable customs control equipment**.

The creation of two instruments under one Fund will ensure strong synergies between the two Funds and will support Member States' capacities at the external borders as regards strengthening the control on persons and goods.

### 3.2.3 *Internal Security Fund*

The Internal Security Fund will support measures ensuring a high level of security in the Union especially by tackling and preventing serious crime with a cross-border dimension, such as terrorism and radicalisation, organised crime, corruption and cybercrime, and by assisting and protecting victims of crime. The Regulation establishing the Internal Security Fund is based on Articles 81(2), 82(1), 84 and 87(2) TFEU.

The **general objective** of the **Internal Security Fund** will be to contribute to ensuring a high level of security in the Union, in particular by tackling terrorism and radicalisation, serious and organised crime and cybercrime, and by assisting and protecting victims of crime.

The **specific objectives** of the Fund will be the following:

- Increase the **exchange of information** among and within the EU law enforcement and other competent authorities and other relevant Union bodies, as well as with third countries and international organisations;
- Intensify **cross-border joint operations** among and within the EU law enforcement and other competent authorities in relation to **serious and organised crime** with a cross-border dimension;
- Support effort at **strengthening the capabilities to combat and prevent crime** including terrorism, in particular **through increased cooperation**.

The objectives of the Internal Security Fund are based on the scope of ISF Police, which is considered sufficiently broad. Its scope will be enlarged as it will also include the non-health related demand side of drugs, taking over a part of the **drugs component of the Justice Programme**<sup>62</sup>. This change in scope enables further synergies between actions supported through ISF Police and actions supported through the current anti-drugs component. It brings together support for the reduction of drug supply in one Instrument. Actions that support the reduction of drug demand, in its health related aspects, fall under the scope of interest of the Health component of the Single Market Programme. Such change also brings more clarity for potential applicants. Close coordination is needed to reach synergies with regard to actions that aim to reduce drug demand, but are not directly health-related, such as information campaigns and preventive measures.

Currently, ISF Police has one general objective with two security specific objectives. As the interim evaluation confirms that these are considered overlapping and unclear, the future ISF structure will contain a single general objective reflecting the Security Agenda's policy priorities and the following three horizontal specific objectives:

- 1) Better information exchange;
- 2) Increased operational cooperation; and
- 3) Increased national and collective capacities including training and non-standard equipment.

Implementation measures reflect the concrete measures to be implemented in order to reach the specific objectives (e.g. set up and maintain national and EU security relevant IT-systems, measures to improve and facilitate the use of Joint Intervention Teams (JITs), creation of specialised Union networks and cooperation structures etc.).

The Fund will continue to place emphasis on fighting serious and organised crime with a cross-border dimension and, in particular, on ensuring a collective Union response to security threats as well as on improving the Union's preparedness and resilience.

### *The role of EU Agencies*

The role of the Home Affairs Agencies as key operational arms in the implementation of the EU migration and security policies is expected to increase. The Union launched new policy and legislative initiatives. It has also reviewed and substantially expanded the

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<sup>62</sup> Regulation (EU) No 1382/2013 of 17 December 2013 (OJ L 354, 28.12.2013, p. 73).

mandate of some Agencies, notably EASO and the EBCGA and has expanded the tasks of Europol and eu-LISA.

Following the interim evaluation processes of the Agencies and recent Commission initiatives, the Agencies may receive further tasks. The expanded mandate of the Agencies would not have as purpose to substitute the current tasks performed by Member States but rather to enhance and upgrade actions of the EU and its Member States in the area of migration, border management and security. For example, Europol will further develop the capacity of systematically bringing together intelligence of Member States to improve the overall EU capacity to fight and prevent terrorism. This does not imply that Member States will have to do less in this area, but more. Member States in the future will not only have to continue collecting evidence and data but also share it in a uniform format with Europol and other Member States, which is not the case to date.

Similarly, the expanded function of the EBCGA will not in the medium term replace the action of customs and border guards in Member States but will enhance border surveillance capacities that are not performed up to the right standards today and that will necessitate more effective action by both Member States and the Agencies. As presented in the Communication *A new, modern Multiannual Financial Framework for a European Union that delivers efficiently on its priorities post-2020*<sup>63</sup>, the future development of the European Border and Coast Guard will depend on the decisions taken on the future Financial Framework. With the increased capacities of the Agency, the need for financial support and training for the increase of the national border guard component in vulnerable Member States, the creation of bigger and more operational expert pools and reinforced own equipment would increase.

The Agencies would have an important role during the programming of the national programmes. Furthermore, the (new) monitoring roles, such as the assessments performed by the EBCGA and the future EU Asylum Agency would feed into mid-term review processes and may be cause for a revision of relevant national programmes.

#### *The role of IT systems in the areas of migration, border management and security*

The central components of the EU IT systems will be established and be interoperable in 2020, while the national components will be rolled out in 2020 and 2021. Adequate financial support is needed for a full deployment of the new systems beyond 2020. Additional funding will be needed for further development and maintenance of new and existing systems. Furthermore, achieving full interoperability between these systems will require significant investments. The success of information exchange depends on the quality of data entered into the systems as well as the regularity of input and use. Therefore, investment will continue to be needed in training and capacity building. The systems would also need to be adapted to new requirements and innovations such as facial recognition, encryption and decryption and development of capabilities to analyse big data.

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<sup>63</sup> COM(2018) 98.

### Impact of an insufficient level of funding on priorities

Overall, both evaluations and consultations carried out in the context of this Impact Assessment show that the scale of the **challenges to be addressed under the next MFF will increase**. Current levels of support would therefore not be sufficient to address the needs nor enable to meet the political ambitions expressed in the areas of migration, border management and security and to support the objectives outlined above. Furthermore, **if funding levels were reduced**, dependent on its extent, **current operations would be impacted** as choices would need to be made. For example, in the field of **migration**, in order to maintain funding for asylum, integration and return, funding incentives for the resettlement of beneficiaries of international protection might need to be cut. In **external border management**, funding for consular cooperation would have to be significantly cut, as well as incentives to Member States to invest in EBCGA equipment. As regards **security**, less funding for developing the Member States' technical and human capacities would certainly hamper the effective cooperation among law enforcement authorities (both nationally and transnationally) in areas where collective intelligence and action will be necessary, such as in the area of anti-terrorism (including the fight against radicalisation), trafficking in human beings and crisis preparedness and response, including the protection of critical infrastructure and soft targets.

#### 3.3 Coherence and complementarities with other EU funding instruments

##### **Preferred option:**

*The objectives of the Union in the areas of migration, border management and security will be supported through a fully coordinated set of funding instruments, including both their internal and external aspects.*

##### **Alternative option:**

*All aspects of migration, border management or security would be supported through a single Instrument respectively, namely AMF, BMVI and ISF.*

##### **Preferred option:**

Priorities in the areas of migration, border management and security need to be supported through a **fully coordinated and coherent set of funding instruments, including both their internal and external aspects**. It is important to avoid overlaps with funding provided through other EU instruments, by establishing dividing lines and effective coordination mechanisms. AMF, BMVI and ISF will act as the Union's dedicated instruments in the areas of migration, border management and security, in addition to other relevant funding instruments which, from their own perspectives and areas of support, reinforce the migration and security policy objectives. This is the **best option** to ensure effective implementation of the objective within legal constraints, since it will allow that the different Funds integrate fully the parts of migration and security which are closer to their scope of action in their objectives and implementation structures. It will also mobilise the Member States' administrations and stakeholders' expertise from different angles to address the migration, borders and security challenges. Furthermore,

this option takes into account the variable geometry that applies to the home affairs area and the different Treaty bases determining the scope of intervention of the various EU Funds. However, under this option beneficiaries would still potentially need to access funding from different sources, requiring coordination efforts to ensure consistency of action. Furthermore, the design of AMF, BMVI and ISF will have to duly take into account the reinforced mandates of the relevant Union Agencies, most notably the EBCGA, EASO and Europol as well as the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA) and ensure coherence and complementarities with actions carried out by these Agencies in the areas of migration and asylum, border management and security.

In this context, overlaps need to be avoided with funding provided through other EU instruments, by establishing dividing lines and effective coordination and governance mechanisms within the Commission and managing authorities. Information and support towards (potential) beneficiaries would be facilitated through establishing a single entry or information point at national level.

**Alternative option:**

An alternative option would be to support all aspects of either migration under AMF, border management under BMVI or security under ISF. The advantage of such a funding architecture would be that would ensure full coherence of action and consistency of measures inside the migration, border management and security areas. However, such option would have several disadvantages; the connection with other Funds and interconnections with other support measures in other policy fields would be weakened.

In the sections below the advantages and disadvantages of the options above are applied to some areas of particular importance<sup>64</sup>.

**1. Support for migration and security through the successors of the European Structural and Investment Funds.**

**Preferred option:**

*The successors of the European Structural and Investment Funds support objectives related to migration and security within their scope of intervention through a menu of policy objectives. In the area of integration, long-term needs are covered with dedicated budget, including earmarking.*

**Alternative option:**

*Support for all aspects of either migration, border management or security within the Union will be implemented through AMF, BMVI and ISF.*

**Preferred option:**

The interventions through the successors to the European Structural and Investment Funds are structured by a menu of policy objectives. These Funds will include migration and security in its menu of policy objectives, to be supported from their respective scopes

<sup>64</sup> For further information regarding the delineation between the Asylum and Migration Fund and the Internal Security Fund with the successors to ESIF, please refer to Annex 4.

of intervention. Please refer to Annex 4 for the delineation of interventions in the post-2020 MFF.

The advantage of this option is that migration and security would become a prominent focus area of Funds with larger volumes of resources and synergies with other policy areas would be maximised. This option would ensure a strong and consistent support to Member States for the development and implementation of their policies to face the migration, border management and security challenges.

For example, the future European Regional Development Fund (ERDF) is better placed than ISF to incorporate the security considerations in the construction of a bridge, a community centre or a railway station.

For instance, when the population of a small rural area is doubled in a matter of days due to the high influx of refugees and there is a need to transform a public or private building into a reception centre, the EAFRD, or the future European Maritime and Fisheries Fund (EMFF) in coastal areas, might be a suitable alternative funding source to AMF and closer to the local decision making authority.

#### The particular case of integration

Integration is a particular case since it would involve large volumes of investments as opposed to, for instance, reception capacity, where capacities are in place to a large extent. Integration support for third-country nationals is currently funded by a variety of EU Funds, among which AMIF is the only Fund targeting third-country nationals specifically. Other Funds, in particular ESIF, but also Erasmus+, are intervening in their respective domains (employment, education, infrastructure, etc.) but without having the integration of third-country nationals as a specific or priority objective.

The large influx of third-country nationals to the EU since 2014 has triggered additional needs for integration support in Member States. As integration is a long-term process, the need for investing in this area will continue or even increase in the 2021-2027 period.

The groups that are the most in need of integration support are asylum applicants likely to be in need of international protection, as well as beneficiaries of international protection and migrants arriving in the EU through family reunification procedures. These groups of persons have specific needs. Dedicated funding to benefit this target group continues to be necessary, in particular in the early stages of the integration process.

Therefore, AMF should provide dedicated funding for actions specifically targeting third-country nationals, in particular in the early integration phase for the social and economic inclusion of third-country nationals, including by providing support for education to children, as well as for horizontal measures supporting integration policies and strategies of Member States. For asylum applicants covered by the reformed Dublin scheme, which may include in certain cases also through its corrective allocation mechanism, AMF

would cover first reception measures, basic assistance and training and will also provide support for those that would need to be returned<sup>65</sup>.

Interventions in different thematic areas for longer term measures, such as integration into the labour market and social inclusion support for the integration of third-country nationals are proposed to be supported through the successors to ESIF and other EU Funds (see Annex 4<sup>66</sup>). Furthermore, for asylum seekers covered by the corrective allocation mechanism of the Dublin scheme, the successors to ESIF would provide support covering longer term basic assistance.

**Alternative option:**

Supporting migration management, border management and security through the respective internal Instruments would mean that all needs in the areas of security, migration including integration, and border management would be covered under AMF, BMVI and ISF. This option would guarantee full consistency of all interventions under the objectives of migration, border management and security. However, it would be less effective in terms of policy purposes. For example, should all actions supporting the integration of third-country nationals be supported through AMF, while no other instruments would provide support within their scope of intervention, it would result in integration processes that are supported in isolation from social inclusion measures that are applied to the rest of society. This has proven to be less effective for successful integration outcomes. Similarly, anti-radicalisation efforts directed at the target groups of the Instrument would be delinked from broader efforts on social inclusion and anti-radicalisation. In a similar vein, support for the security of critical infrastructures and the protection of public spaces would be delinked from investments through other Instruments in the development of such infrastructures. Therefore, there is a need for various EU Funds to support the migration and security objectives of the Union within their scope of intervention.

**2. The external dimension of the Asylum and Migration Fund, the Integrated Border Management Fund and the Internal Security Fund**

**Preferred option:**

*The main investments in the external aspects of migration, border management and security will be the single external Instrument and AMF, BMVI and ISF will have a sizeable external component to support the internal objectives of the Union within their scope of intervention but complementary to the external Instrument.*

**Alternative option:**

*Supporting migration, border management and/or security will be implemented exclusively through a single external Instrument.*

<sup>65</sup> Dependent on the negotiations of the Recast Dublin Regulation.

<sup>66</sup> Support for local communities needs to be provided for larger communities as well as smaller or/and poor hosting communities like in some rural areas.

**Preferred option:**

The drafting of new internal Instruments should include policy objectives that enable the external projection of internal Union policies through these Instruments. As a consequence, there is a need for AMF, BMVI and ISF to have a sizeable external component to support the internal objectives of the Union within their scope of intervention.

Such interventions will be designed and implemented in coherence with Union external action and foreign policy, in particular with the Union's external Instrument. Migration and security would be covered in the different components (geographical, thematic, and non-programmable) of the external financial instruments. More specifically, this Instrument would contain an unallocated share for emerging challenges. The unallocated share would contain a programmable thematic component with a strong focus on migration. Actions supported through this component need to contribute to the attainment of the Sustainable Development Goals. Through AMF it is not intended to support actions which are development oriented but to complement, when appropriate, the financial assistance provided through the external Instruments. The use of an EU Trust Fund for actions in the external dimension is a potentially useful tool through which part of the support from AMF, BMVI and ISF may be channelled, in coordination with other funding sources. The future Funds would not contain a separate Trust Fund. However, future Trust Funds should have the capacity of reacting with more agility and speed and have a large geographical scope.

Support through the future AMF, BMVI and ISF would cover the following actions, complementary to support through the external Instrument:

- 1) **AMF** would continue to support resettlement, capacity building of third-countries to manage migration flows and ensure migrant protection and pre-departure measures by Member States, aimed at facilitating the integration of third-country nationals in the EU. In the area of return, it would continue to support the implementation of readmission agreements with third countries and the reintegration of returnees, as well as actions preventing irregular migration (i.e. information campaigns, data collection and tracking of flows and routes, etc.). An example where support of the Fund may be needed is in case of large numbers of forced returns, including returns with specific medical needs. As a novelty, the Instrument would provide the possibility to support the development of mobility schemes to the EU in the area of legal migration and a possibility to provide incentives and support to (and in) third countries to accept and reintegrate returnees from the EU in the area of return.
- 2) **BMVI** would continue to support sharing of information and best practices with third countries, improve operational cooperation, including through joint operations, support capacity building of third countries to protect their borders through training and purchase of equipment as well as other operational necessities.
- 3) **ISF** would continue supporting cooperation with third countries on anti-terrorism and anti-radicalisation activities, cooperation of law enforcement authorities in

the fight against terrorism as well as trafficking in human beings and migrant smuggling, including through joint investigation teams.

**Alternative option:**

Supporting migration, border management and security through a single external Instrument would have as an advantage that migration and security objectives would become a more prominent component of the external Instrument of the Union. However, it will also leave some areas uncovered and will decrease the degree of autonomy of the EU to act rapidly when needed in the migration, border management and security areas.

Furthermore, these external interventions would be decoupled from interventions in the internal dimension, while the implementation of the current Funds has shown the need for immediate links in areas such as pre-integration, legal migration, return and reintegration as well as border management and security. This would increase the need for coordination between interventions under the various Instruments.

**3. Support for customs control equipment**

**Preferred option:**

*Establishing the new Customs Control Equipment component will allow a coordinated and operational approach between customs authorities and with related policy areas for integrated border management.*

**Alternative option:**

*Customs control equipment will be implemented exclusively through a single Instrument.*

**Preferred option:**

Funding of customs control equipment presents a clear EU added value, considering that the functioning of an efficient and secure Customs Union constitutes a European public good. Since the establishment of the Customs Union 50 years ago, the role of customs authorities in the management of the external border has now extended well beyond their traditional role of collecting EU own resources and in supervising and facilitating EU trade. Customs are nowadays active in the field of safety and security, controlling the cross-border movement of restricted and prohibited goods and (narcotic) substances, including activities potentially supporting terrorists and organised crime. State-of-the-art customs control equipment is crucial for customs to perform in a more secure, faster and more cost-effective way.

All these objectives are actively supported by the Customs programme, which provides a comprehensive framework for cooperation as well as IT and human capacity building – with the exception thus of customs control equipment. As the Customs programme will be extended beyond 2020, a proper coordination will need to be established between, on the one hand, that programme and its horizontal wide-reaching objectives and, on the other hand, the new customs control equipment component and its specialised area of intervention. By extension, coordination shall also be foreseen with the future Single Anti-Fraud Programme, which will also include funding of equipment as regards specifically the protection of the Union's financial interests.

Creating a support for customs control equipment however does not impact only customs authorities but reaches out as well to other departments or agencies such as police, border guards, health and consumer protection authorities; the economic impact of cigarette smuggling represents a budgetary loss of around 10 billion Euros per year. In addition, counterfeit and pirated products represent up to 5% of all EU imports, worth up to EUR 85 billion. Brands that suffer the most from Intellectual Property infringements are primarily registered in the EU<sup>67</sup>.

Therefore, when establishing the new CCE component, there is a need to ensure a coordinated approach between customs and related policy areas such as security, fight against fraud, integrated border management. This applies all the more as control equipment usually allows for dual or multiple use. A more integrated and coordinated border and customs management as well as, as far as possible, co-sharing of control equipment between all concerned stakeholders, whether customs authorities, border guards, EBCGA, will also be aimed for. Exploring compatibility and inter-operability of customs control equipment would not only address respective issues more effectively, efficiently and consistently but also create shared expertise in view of better mobilising EU and national funds. Such a coordinated approach shall however respect the different legal bases for the Customs Union and the Schengen area.

**Alternative option:**

Implementing the Customs control equipment exclusively through a single Instrument – such as the future Customs programme – would present the advantage of ensuring coherence among all customs activities.

However, if customs equipment is contemplated into the sole future Customs programme, operational cooperation and coordination with the related policy areas for border management will not further develop. It will thus not favour a sound integrated border management approach.

**4. Other areas of coherence and complementarities**

**Preferred option:**

*AMF, BMVI and ISF ensure full coherence and complementarity with other EU Funds in the areas of migration, border management and security.*

**Alternative option:**

*AMF, BMVI and ISF do not ensure full coherence and complementarity with other EU Funds in the areas of migration, border management and security.*

**Preferred option:**

AMF, BMVI and ISF ensure full coherence and complementarity with relevant EU Funds, such as in the area of education for migrants, maritime security and surveillance, cybersecurity and judicial cooperation. The Funds will be complementary to the future Emergency Support Instrument (ESI).

<sup>67</sup> 2017 Situation Report on Counterfeiting and Piracy in the European Union (Europol).

The post-2020 MFF should support a coherent EU policy for **maritime security and surveillance**. Such coherence is needed given the wide array of coastguard functions and the involvement of more than 300 responsible entities at national level. The BMVI and the future EMFF should continue supporting improved interoperability and information exchange across borders and sectors, as well as between civil and military actors. Such support needs to be implemented with strong involvement of the EBCGA, EMSA and EFCA. The primary objectives of those activities would determine which Fund would support them. Legal provisions in the respective Funds should support joint, multipurpose operations and also the dual or multi-use of equipment. For example, surveillance aircrafts which can detect and off-shore patrol vessels which can address a multitude of challenges, such as oil spills, fisheries control, search and rescue of life at sea, and border control. By promoting such investments for multipurpose assets, deploying more costly and labour intensive assets (such as Navy vessels), which are often not fit for purpose to carry out civilian duties, could be avoided. In addition, cooperation between bodies operating on the maritime security dimension would be promoted.

With regard to **cybersecurity**, synergies will be established between ISF and a future Digital Europe Programme, the next Research and Innovation Framework Programme (Horizon Europe) and the Defence Fund. Synergies may cover the inclusion of civilian, law enforcement and military cyber defence research entities becoming part of an EU network to jointly carry out research, solving law enforcement challenges and possibly creating a cluster of expertise involving law enforcement actors.

Given the close connections between **security and justice**, synergies will be ensured with future Funds, such as the future Justice Programme and the Rights and Values programme, supporting adequate protection to victims of crime, JITs and judicial training, ensuring interoperability with ECRIS and improving detention conditions. Police-justice cooperation activities, including via Justice-related Agencies, such as Eurojust and the European Public Prosecutor's Office (EPPO), both at Union and national level, should be enhanced. Synergies exist between measures against radicalisation and terrorism and measures fighting racism, xenophobia and hate speech. The promotion and protection of the rights of the child in a vulnerable situation, i.e. unaccompanied minors, and the prevention of violence against women and children is also important while dealing with the migration crisis. Trafficking in human beings has a gender and age dimension that links this phenomenon to actions to combat violence against women and children.

**Alternative option:**

In the alternative option, the synergies and complementarities between AMF, BMVI and ISF with other relevant Funds would not be ensured. Given the need for maximising the EU added value and avoiding overlaps such option is not considered realistic.

## 4 DELIVERY MECHANISMS OF THE INTENDED FUNDING

This section presents the mechanisms to deliver funding under the Asylum and Migration Fund, the Integrated Border Management Fund and the Internal Security Fund, demonstrating how, first, flexibility and performance would be increased and, second, how the implementation of the Funds would be simplified.

### 4.1 Enhancing flexibility within a stable framework

**Preferred option:**

*AMF, BMVI and ISF will be designed in such a way that they are better equipped to react to unforeseen circumstances and are able to address changes in spending priorities, applying the elements for increasing flexibility that are presented in this section. This option will include the flexibility mechanisms depicted below: a solid mid-term review with a technical adjustment and a thematic facility to ensure a good steer of the Funds and additional flexibility.*

**Alternative option:**

*AMF, BMVI and ISF will be designed in such a way that they provide a high level of predictability, including an initial allocation and a technical adjustment during a mid-term review for shared management. This option will not include other elements of flexibility than the technical adjustment.*

*Both options will be delivered through a mix of shared, direct and indirect management and emergency assistance will continue to exist in both options.*

*Other options that present different combinations of the elements presented below are possible; i.e. a mid-term review with only a technical adjustment plus a thematic facility or a mid-term review that also includes a dedicated performance reserve.*

**Preferred option:**

AMF, BMVI and ISF need to be designed in such a way that they are better equipped to react to unforeseen circumstances and are able to address changes in spending priorities. The components listed below contribute to increasing the flexibility of the Funds. The preferred option is to apply all those elements in the new Funds. The advantage of this option is that the Commission would be able to react quickly, adapt to changing needs, reward performance and steer more effectively the Funds towards high EU added value objectives. The disadvantage of this option would be that, for shared management, revisions of national programmes will be needed on a regular basis and the administrative burden for the Member States and the Commission might be high. To accommodate that disadvantage the current rules for revising national programmes should be simplified. Member State authorities responsible for implementing the national programmes have indicated that, in general, more flexibility in the methods for allocation and implementing Funds is needed, while retaining a necessary level of predictability for long-term support.

**Alternative option:**

The alternative option would have the advantage of giving a high level of predictability to Member States while keeping some flexibility and reducing the administrative burden

for Member States and the Commission. Furthermore, the ability to choose the best implementation mode according to the objectives and needs would be substantially reduced. The capacity for the Commission to steer the Funds to high EU added value priorities would be reduced, but not annulled. The Commission would still be able to negotiate priorities with Member States through Policy Dialogues and to influence choices by Member States through higher co-financing rates, conditionalities and legislative and policy requirements embedded in the legal acts. Furthermore, the implementation of policies such as the 'Dublin reform' or resettlement, which require regular top-up funding to Member States might become challenging and might require frequent additions from the general budget of the Union.

#### 4.1.1 Implementation modalities

##### 4.1.1.1 AMF, BMVI and ISF

**Preferred option:**

*AMF, BMVI and ISF will retain the current mix of shared, direct and indirect management with a number of improvements.*

**Alternative option:**

*AMF, BMVI and ISF will be implemented through direct management only.*

**Preferred option:**

The preferred option is **to retain the current mix of shared, direct and indirect management with a number of improvements**. A mix of shared, direct and indirect management in the areas of migration, border management and security provides for the best set of delivery mechanisms to achieve the objectives of the Funds. Through shared management Member States implement programmes that contribute to the policy objectives of the Union, which are tailor-made to their national context. Through direct and indirect management transnational, Union-wide actions are supported.

Through direct management, the Commission has a more direct influence on the use of funding, ensuring it contributes to the common policy objectives of the Union when compared to shared management. At the same time, shared management ensures that financial support is available in all participating States and reduces the adverse effects of competition for funding, which would result in funding going mostly to a small number of active and well-organised Member States that are effective in bidding for budgets. Furthermore, shared management allows for funding predictability and for Member States, who are most knowledgeable of the challenges they are faced with, to plan their long-term endowments accordingly. It is essential to guarantee the necessary support in all Member States, while securing the ability to implement EU priorities across the Union. Through indirect management, the Funds retain the possibility to delegate budget implementation tasks to, among others, International Organisations and Home Affairs Agencies for particular purposes. Without prejudice to decisions of the Budgetary Authority, this would allow for supporting the Agencies in exceptional cases.

In order to **improve the 'steer' of Funds** that are implemented **under shared management**, the dialogue between the Commission and the managing authorities of the

Funds needs to be improved, including more frequent high-level dialogues and the use of periodical review meetings. In addition, AMF, BMVI and ISF need to be equipped with adequate conditionalities and incentives, such as higher co-financing rates for a small number of actions with high EU added value (Specific Actions as defined in the Instruments, operating support for public services that are for the benefit of the Union and emergency assistance)<sup>68</sup>. While some actions, such as operating support, would be part of the basic allocation, to be part of the Policy Dialogue, other actions, such as Specific Actions and Emergency Assistance would be dedicated top-up funding. This needs to be implemented while retaining the benefits of multiannual programming. These improvements compared to AMF and ISF would make the Funds more flexible, achieving higher efficiency and effectiveness. Member States have confirmed the need to continue implementing the Funds through shared management, in order to ensure that the needs can be addressed across the Union, contributing to EU objectives. International organisations and NGOs have indicated that, in addition, direct support from the Union budget, via direct management, should be part of the future Funds.

Considering the need to retain all implementing modalities, it should be noted that implementing shared management through annual programmes instead of multiannual programmes would allow for a more real-time needs assessment of the needs on the ground during the programming exercise. However, this would imply returning to the system that was applied during the 2007-2013 programming period. The ex-post evaluations of the SOLID Funds and the interim evaluations of AMF and ISF confirm that annual programming entails a high level of administrative burden to both the Member States and the Commission, while it reduces flexibility in using the Funds. In addition, annual programming lacks the level of predictability of allocations that is needed in shared management. This would be detrimental to ensuring that the long-term support and structural solutions are implemented that are necessary for improving and maintaining the Union's migration and security systems.

#### **Alternative option:**

An alternative option would be that **AMF, BMVI and ISF would be implemented through direct management only** (through Union Actions and emergency assistance). Such option would increase the influence of the Commission on the use of the Funds and, by doing so, direct it to support Union priorities. In that case, the possibility to delegate the implementation of (part of) the funding to an executive agency, to alleviate the heavy burden on the limited Commission resources, would be necessary.

However, implementing all funding under direct management **would not be proportionate and would not ensure that the available funding is implemented successfully**, tailor-made to a national context, in accordance with the findings of the ex-post and interim evaluations, which confirm that a mix of direct, indirect and shared management was effective in order to ensure support for the Union's priorities and implementation of the *acquis* in all Member States. In this field of shared competences

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<sup>68</sup> By reducing the level of co-financing that beneficiaries need to provide the implementation of such actions is stimulated.

managing authorities in Member States are closer to the beneficiaries, enabling the Funds to reach a larger number of beneficiaries. As a result, actions can be better adjusted to the needs and the best placed implementing partner can be selected. In addition, implementing all funding through direct management would require significant increases in staffing of the responsible services of the Commission in order to manage and monitoring its implementation. The need to retain these management modes was confirmed in the stakeholder consultations for the Impact Assessment.

#### 4.1.1.2 Customs Control Equipment

**Preferred option:**

*The IBMF – Customs Control Equipment will build on direct management through the provision of grants to national authorities for the purchase, maintenance and evolution of customs control equipment.*

**Alternative option:**

*The IBMF – Customs Control Equipment will be implemented through shared management.*

**Preferred option:**

As regards the Customs Control Equipment component, the preferred option is **direct management through the provision of grants to national authorities for the purchase, maintenance and evolution of customs control equipment.**

The new EU intervention aims at addressing current imbalances between Member States and ensuring equivalence in the performance of customs controls throughout the Customs Union. Such an objective requires obviously coordination beyond national borders, which a centralised approach through direct management is best placed to deliver. As the national authorities – and not the Union – should continue to own directly the equipment they use for carrying out their duties at EU borders, EU intervention would take the form of grants to Member States supporting the purchase, maintenance and upgrade of customs control equipment in accordance with predefined standards per border type.

It is also an appropriate approach as, in the case at hand, it will only involve a limited number of beneficiaries, the 27 Member States, thereby allowing the application of several simplifications foreseen by the Financial Regulation and its rules for application, in particular the exceptions to calls for proposals. Direct management is furthermore the delivery mechanism for existing actions in the customs field, whether under the Customs or Hercule III programmes.

In order to build thoroughly on the knowledge and operational experience of the national authorities and thereby meet their actual needs, direct management by the Commission will be supported by expert teams/task forces composed of Member States for preparatory tasks (e.g. assessment of needs and definition of standards of minimum equipment by border type). The final policy decision will be taken by the Commission, which will allocate the funds through grants based on customs policy priorities, threats and volumes under a comitology procedure.

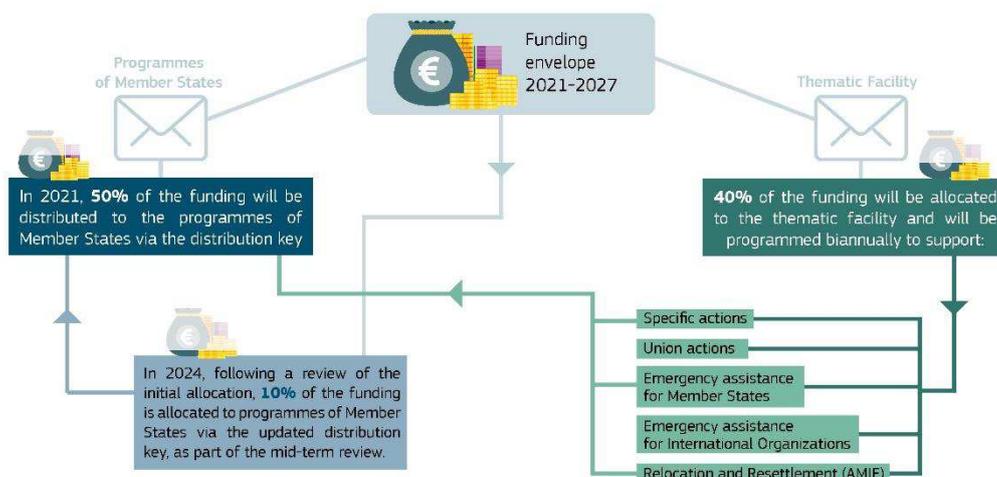
Co-funding – i.e. national contributions on top of EU intervention – and ex-ante conditionalities – such as the demonstration of adequate administrative capacity in terms of e.g. staff number and skills – will be considered as well where deemed appropriate. This ensures that the provision of customs control equipment takes place only with the full commitment of Member States and where conditions are met, thereby securing the actual use of equipment and a real impact for EU intervention.

**Alternative option for the delivery mechanism:**

An alternative option would be to implement **the Customs Control Equipment component through shared management**. Discussions with other services implementing this delivery mechanism showed clearly that, apart from its complexity, shared management would not provide the overall coherence and cross-border coordination needed for customs given the requirement to ensure an equivalent level of control across all Member States. Moreover, in the absence of cooperation between Member States as each of them would draft its own national plan independently, shared management does not foster the sharing of experiences and exchange of expertise and best practices, which are important benefits expected from this intervention for a uniform application of EU customs rules.

4.1.2 *The thematic facility*<sup>69</sup>

Flexibility post-2020: AMIF, BMVI and ISF\*



\*Asylum and Migration Fund, Border Management and Visa Instrument and Internal Security Fund. The Border Management and Visa Instrument will be part of the Integrated Border Management Fund.

<sup>69</sup> The thematic facility does not address needs in relation to the Customs Union and its policy as they are covered separately by the customs programme.

**Preferred option:**

*The flexibility of the management of AMF, BMVI and ISF will be increased through the introduction of the thematic facility.*

**Alternative option:**

*Methods for providing additional funding for AMF, BMVI and ISF will remain unchanged compared to the current Funds.*

**Preferred option:**

Of the total envelope of AMF, BMVI and ISF 60% should be reserved for the national programmes. A critical mass is needed for the Funds to allow for Member States to plan long-term support through shared management, providing legal and financial certainty, in particular for structural and large, multiannual investments in line with Member States' needs for further developing their migration and security systems.

The remaining **40% should be managed through a thematic facility** – this would not apply to the customs control equipment Instrument. During consultation activities Member States have indicated to be generally supportive of the need to increase flexibility, while indicating there is a need to provide predictability and financial certainty in order to successfully implement national programmes. These needs are accommodated through providing a multiannual allocation of funding to the national programmes and complementing it with a mechanism that increases flexibility by disbursing funding periodically to a number of themes defined in the legal bases. The term 'thematic facility' should not be understood as a facility in the way it is used under financial instruments. It is a mechanism that offers flexibility in the management of the Fund by allowing to disburse Funds through the following mechanisms:

- Support for Specific Actions, providing additional funding for dedicated actions of high EU added-value, through the national programmes of Member States;
- Support for Union Actions, managed through direct and indirect management;
- The provision of emergency assistance;
- Support for technical assistance at the initiative of the Commission<sup>70</sup>;
- For AMF, to provide financial support for the implementation of resettlement and relocation activities.

The programming of the actions under the thematic facility would be implemented through Work Programmes<sup>71</sup>, adopted by Commission Implementing Decision following the consultation of Member States through the AMIF-ISF Committee. The thematic facility would allow for addressing new priorities or urgent actions and to implement

<sup>70</sup> For the preparation, monitoring, administrative and technical assistance, evaluation, audit and control measures and activities necessary for the implementation of the Funds.

<sup>71</sup> Support for resettlement activities should be provided in accordance with the methods agreed during the negotiations on the Union Resettlement Framework. In the proposal, the Commission is authorised to establish each year one or more targeted Union resettlement schemes. This should occur as soon as possible after the adoption of and consistent with the annual Union resettlement plan adopted by the Council and also taking into account the discussions within the High-Level Resettlement Committee. The Commission may adopt one or more targeted Union resettlement scheme(s) during the period covered by an annual Union resettlement plan.

them through the delivery mode that is best placed to achieve the policy objective. As a result, the thematic facility would allow for providing support in line with the needs of a particular Fund. In the current programming period, the share of direct management in ISF Police is higher than for the current AMF and ISF Borders and Visa. Should these needs continue to differ, as would be outlined in the Work Programmes, the thematic facility would cater for Fund-specific needs. In order to ensure sufficient predictability, minimum percentages for Specific Actions and Union Actions and a maximum percentage for technical assistance at the initiative of the Commission could be set by the legal bases<sup>72</sup>.

**Alternative option:**

In the absence of a thematic facility and considering that the mix of delivery mechanisms would be retained, the distribution of funding would be implemented as under the current AMIF and ISF. This has proven to provide an insufficient level of flexibility and, as a result, more recourse to the use of emergency assistance was needed compared to what was originally foreseen. Currently, transfers of funding between direct and shared management are not possible which leads to inefficiencies (money not implemented under shared management or under direct management). Furthermore, top-ups to national programmes require a formal revision and cannot be adjusted to needs to the necessary extent.

*4.1.3 Emergency assistance<sup>73</sup>*

**Preferred option:**

*AMF, BMVI and ISF will retain the possibility to provide emergency assistance, to be implemented through all implementing modalities.*

**Alternative option:**

*AMF, BMVI and ISF will not retain the possibility to provide emergency assistance.*

**Preferred option:**

In order to react to unforeseen circumstances or emergency situations, the Funds would need to be able to assist at short notice by providing emergency assistance. The Funds will define what is considered an emergency situation within their scope of intervention. If such conditions are met, the Union will be able to provide swift financial assistance (up to 100% of indicated needs), with a certain level of retroactivity. The possibility to provide support retroactively is included in the current Funds and would be retained<sup>74</sup>.

<sup>72</sup> Such levels may be set in accordance with rules for shared management laid down in the future Common Provisions Regulation.

<sup>73</sup> The emergency assistance does not address needs in relation to Customs Union and its policy as they are covered separately by the customs programme.

<sup>74</sup> In accordance with Article 7(4) of Regulation (EU) No 514/2014: “Emergency assistance may support 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 2014, when necessary for the implementation of the action.” Recital 15 of that Regulation further states: “To ensure an adequate framework for providing rapidly emergency assistance, this Regulation should allow support for actions the expenditure of which was incurred before the application for such assistance was made, but not before 1 January 2014, in accordance with the provision in

Due to its emergency nature, the Funds should be able to support measures that needed to be undertaken prior to the submission of a grant application, in duly substantiated cases. Since the volatile character of the migration and security policy areas will not change soon, it is important that the Funds retain the possibility of quickly deploying funding. This emergency mechanism will exist within the funding envelopes of each of the three Instruments for migration and security. Member States have confirmed that the provision of emergency assistance increased the flexibility in managing the Funds to respond to urgent needs and that such possibility should be retained in the future Funds.

Such assistance should be complementary to the future Emergency Aid Reserve at the level of the Union budget, which could be mobilised to provide additional funds. It is important that the Emergency Aid Reserve would support AMF, BMVI and ISF in exceptional and well defined circumstances, such as support for the reformed Dublin scheme in crisis situations.

The Emergency Aid Reserve would bring together the internal and external response of the Union to crisis situations by topping-up the respective Instruments with additional funding, but no earmarking of funding for specific policy areas within this reserve has been foreseen. In the current programming period, emergency funding was often the only mechanism through which additional funding could be deployed quickly to Member States or other actors to address pressing needs stemming from migratory or security challenges.

Different from the current situation, it should be possible to, in addition to direct management, also provide emergency assistance through shared management, relying on the management and control system in place. The managing authorities would have the possibility to decide on the nature, duration and scope of the actions within limits set by the Commission. Providing emergency assistance through shared management would facilitate further coordination and complementarity between the emergency assistance and other actions that are implemented through the national programmes, since it would be provided through the same management and control system at national level.

In the future Funds, there is no dedicated envelope foreseen for emergency assistance. It would rather be a possibility to deploy funding from the thematic facility envelope as emergency assistance, in case of urgent need. This is more likely in the areas of migration and border management, but also for internal security it is important to maintain the possibility to use emergency assistance in case of acute security threats. The use of emergency assistance is expected to be more limited in the next programming period due to the additional flexibility mechanisms, through the thematic facility, which would be built into the design of the future Funds.

**Alternative option:**

The absence of a possibility to provide emergency assistance would reduce the ability of the Funds to assist in well-defined emergency situations. This would reduce the

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Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council, which allows such flexibility in duly substantiated exceptional cases. [...]”.

flexibility of the Funds. Only using an Emergency Aid Reserve, an Instrument at the level of the Union budget, would have the advantage of streamlining the provision of emergency assistance at the level of the Union. However, it cannot fully replace the emergency assistance mechanism embedded in AMF, BMVI and ISF. It would not be exclusively dedicated to the home affairs policy area and may therefore not be able to make additional support available in time. Furthermore, it would only be activated in the event of major crises.

#### 4.1.4 A strengthened mid-term review of national programmes

**Preferred option:**

*The national programmes of AMF, BMVI and ISF will be subject to a strengthened mid-term review, consisting of a technical adjustment.*

**Alternative option:**

*The national programmes of AMF, BMVI and ISF will be subject to a strengthened mid-term review, consisting of a technical adjustment and of a mechanism that rewards performance towards agreed objectives.*

**Preferred option:**

During the 2021-2027 programming period, 60% of the envelope of AMF, BMVI and ISF will be reserved for the national programmes. In order to ensure the balance between predictability and flexibility in disbursing these Funds, 50% of the envelope of these Funds will be allocated to the national programmes at the beginning of the programming period. The remaining 10% of the envelope will be allocated to the national programmes during the mid-term review. This amount is intended to respond to changing needs of Member States during the programming period.

The initial allocation of 50% of the envelope of the Funds will be distributed across the national programmes based on the most recent statistical data available, for which the criteria will be set out in the Regulations establishing the Funds. These criteria will reflect, to the extent relevant statistics are available for all participating States, the areas of intervention of the Funds. The initial allocation should take into account data from the last three reference years for which data is available on the date of adoption of the Instruments. This would allow for taking into account the most recent data available at the time of adoption.

#### *Technical adjustment of the allocation keys*

In addition to the basic allocation of 50%, 10% of the envelope of AMF, BMVI and ISF would be used as a technical adjustment to the basic allocation. It is foreseen to conduct this exercise in 2024, calculating the distribution across the national programmes based on updated statistical data for the criteria set out in the distribution key of each Fund. The aim is to provide additional support to Member States that reflects their needs in the middle of the programming period. This would contribute to a better match between allocation of funding and needs on the ground. The technical adjustment would not directly reward performance in reaching the Funds' objectives, however, it would require national programmes to reach a minimum level of absorption in order to benefit from the

mid-term review. When disbursing Funds through the thematic facility, achievements towards key performance indicators would be taken into account where appropriate.

Member States have confirmed that in order to address changes throughout the programming period, additional Funds in the mid-term review were needed for AMIF and ISF Police, however, the Funds did not include such a possibility. For ISF Borders and Visa the available envelope was not considered sufficient to cover the additional needs by Member States. The absence of a strengthened mid-term review would reduce the responsiveness of the Funds to address potential policy developments. Without a technical adjustment the Funds would have no mechanism to address the need for up-to-date statistics to reflect the needs on the ground, while the evaluations have indicated the need for such an update. In order for the Fund to address changing needs, the technical adjustment needs to have critical mass.

**Alternative option:**

An alternative option would be to have the strengthened mid-term review consist of a technical adjustment and a performance review, each endowed with 5% of the envelope of a Fund. In order to ensure that such review would effectively incentivise Member States to achieve the common objectives, the mid-term review needs to have critical mass.

The performance review would be conducted in 2025 and include an assessment of the programmes in line with the most recent policy developments and any recommendations with regard to funding needs that would stem from evaluations. The aim would be to reward those Member States that have performed well in the implementation of the programmes with additional funding and, on the other hand, to provide support to Member States undergoing significant changes compared to their baseline situation by adjusting their basic allocation to better fit their needs. By rewarding performance, considering that actions implemented under the national programmes bring EU added value, those Member States that have proven to successfully implement such actions would receive additional funding. It is expected that this would increase the effectiveness of the Fund to achieve its objectives.

Measuring performance would be conducted through taking into account implementation rates of the programmes<sup>75</sup> and by measuring progress towards the achievement of performance targets for the programming period 2021-2027<sup>76</sup>. Performance targets would be agreed between the Commission and Member State and indicated in the national programmes for a common set of indicators that is selected for the performance review. For an overview of what indicators might be used for such purpose, please refer to Annex 7.

Introducing a performance review would increase the performance based management of the Fund. In order to ensure that such review would effectively incentivise Member States to achieve the common objectives, the mid-term review needs to have critical

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<sup>75</sup> Based on information included in the accounts that are submitted by Member States.

<sup>76</sup> Based on information included in the annual implementation reports that are submitted by Member States.

mass. However, the use of dedicated performance reserves in the current programming period in other EU Funds appears unsuccessful to date. The future Funds would be subject to common rules for shared management Funds. In this framework, it is not foreseen to reserve a dedicated funding envelope for a performance review. As outlined in the preferred option, performance based management would be pursued through the thematic facility.

#### 4.1.5 Use of financial instruments

**Preferred option:**

*The Funds should be designed in such a way to offer the possibility to use grants, both through direct and shared management, to complement financial instruments channelled via 'Invest EU' or outside it.*

**Alternative option:**

*The Funds would not offer the possibility to use grants to complement financial instruments channelled via 'Invest EU' or outside it.*

**Preferred option:**

Currently, AMIF and ISF, due to the nature of operations supported, channel most funding through grants. Other modalities, such as market-based financing with an EU guarantee, equity investment or a risk-sharing arrangement do not appear to be the most appropriate models of support in migration, border management and security policies. While such other modalities address market failures by investing in potentially economically viable projects that are unable to obtain sufficient funding on the market, migration, security and border management are likely to attract the interest of private investors only to a limited extent. Home Affairs policies are not, in general, revenue-generating activities. In addition, the concept of 'market failure' or 'suboptimal investment situation' to justify public intervention in the market is not applicable to migration and security where only public goods are delivered. Funding in the future must therefore to a large extent rely on grants.

However, there may be circumstances in which it would be beneficial to blend grants from the Funds with support through financial instruments. This should be mainly channelled via the Single Investment Fund 'Invest EU', on a voluntary basis. The Funds should be designed in such a way to offer the possibility to use grants, both through direct and shared management to complement the financial instruments channelled via 'Invest EU' or outside it.

**Alternative option:**

In this option, the Funds would not be able to use grants to complement financial instruments. While the occasions where such possibility may be used are considered limited, not being able to use the Funds for this purpose would prevent the Funds from supporting certain activities that would, through a combination of grants and financial incentives, be able to benefit from increased amounts of funding available. Therefore, the preferred option is to allow for the Funds to have such possibility.

## 4.2 Further simplifying the rules for implementing EU Funds

### **Preferred option:**

*Implementing rules for the Funds will be aligned as much as possible with the implementing rules of other EU Funds, both for shared and direct management.*

### **Alternative option:**

*Implementing rules for the Funds will be fully aligned with the implementing rules of other EU Funds, both for shared and direct management.*

### **Preferred option:**

In order to simplify the implementation of AMF, BMVI and ISF, the Funds should function as much as possible with identical delivery mechanisms and have a structure that resembles as closely as possible that of other EU financial instruments under shared and direct management. Current rules leave room to simplify the management of the Funds, as confirmed by the interim evaluations. As a newly created tool, the customs control equipment component is not subject to simplification but its design will rely on experience gained from similar experience and remain as simple as possible. The preferred and alternative options are assessed below, for shared and direct management respectively.

#### 4.2.1 Common provisions for shared management

### **Preferred option:**

*Simplify the implementation of AMF, BMVI and ISF, by using implementing rules that are aligned as much as possible with those of other EU financial instruments under shared management.*

### **Alternative option:**

*The implementing rules of AMF, BMVI and ISF will be partially aligned with those of other EU financial instruments under shared management.*

### **Preferred option:**

As indicated in the *Reflection paper on the future of EU finances*, the implementation rules in the next MFF should be based on a "single rule book" governing all similar processes and instruments across the Funds and management modes. This can be achieved by grouping all Funds managed under shared management under one umbrella Regulation or by agreeing a single rule for a given process.

The successor to the Common Provisions Regulation (CPR)<sup>77</sup> that is currently governing the implementation of the European Structural and Investment Funds, would contain a

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<sup>77</sup> The current CPR is laid down in Regulation (EU) No 1303/2013 of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (OJ L 347, 20.12.2013, p. 320).

coherent set of common financial rules for shared management. The legal basis of this CPR would be Article 322 TFEU.

The preferred option is therefore to align with the rules applicable to other shared management Funds. This option allows for moving towards a single set of rules that equally fits all EU Funds in shared management. To address particular needs, these common provisions will be complemented by rules set-out in the Fund-specific Regulations while avoiding any duplication.

AMF, BMVI and ISF will fall under the rules set out in this Regulation as regards shared management. This will have the benefit that rules for potential beneficiaries will be identical for all shared management Funds. Managing authorities and potential beneficiaries have indicated that different implementing rules continue to be an obstacle in achieving synergies between the interventions of EU Funds.

However, considering the rules of the current CPR, various thresholds and percentages would not be suitable for the successors of AMF and ISF. These relate to the level of technical assistance for both the Commission and the Member States (dependent on the financial envelope of the Funds), the thresholds for proportional controls and the level of pre-financing payments. Furthermore, certain provisions from the current CPR, such as those with regard to macroeconomic conditionality, the use of financial instruments and certain ex-ante conditionalities may constitute an unnecessary increase in administrative burden when compared to the current legal framework of the Home Affairs Funds<sup>78</sup>.

The common rules for shared management should therefore be complemented with a small number of rules that are specific to AMF, BMVI and ISF, which will be included in the Fund-specific Regulations. This approach ensures that rules for shared management are aligned to the rules for other shared management Funds to the extent possible, but allow for some flexibility that is needed due to the special nature of the Home Affairs Funds.

Stakeholders have indicated that the provision of information on EU funding opportunities and actions that have been implemented under the Funds should be improved. Access to EU funding for potential beneficiaries should be facilitated by creating a single entry point for beneficiaries at national level. Cooperation between the different managing authorities of the future Funds should be facilitated by the existence of the common rules.

Based on the findings of the interim evaluations of AMIF and ISF as well as on other consultation activities carried out, the provisions of the future framework need to ensure a sufficient level of pre-financing payments, clear indication of decommitment procedures, more efficient control and audit procedures, the application of national eligibility rules that make use of the possibilities for simplification embedded in the legal bases to the extent possible, the 'roll over' of the current management and control

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<sup>78</sup> Considering the difference in size of the current envelopes of AMIF and ISF compared to ESIF and the administrative procedures linked to fulfilling ex-ante conditionalities that need to be completed before funding can be disbursed.

systems enabling a swift start of implementation; enabling the use of 'operating support' to public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union<sup>79</sup>, further promotion of the use of Simplified Cost Options, and linking the technical assistance at both the initiative of the Commission and at the initiative of the Member State to the volume of financial envelopes to a certain extent.

**Alternative option:**

Partially aligning (only in relation to the management and control system) the rules of other future shared management Funds would ensure that AMF, BMVI and ISF keep an additional level of flexibility as regards a few rules to adjust to some specificities of these Funds namely: higher need of pre-financing for the NGOs in the field of integration, which tends to be limited, or giving more time for decommitting the Funds for areas such as resettlement or relocation that depend on migratory flows and are politically sensitive. However, beneficiaries and managing authorities would have to consult and apply different legislative acts for an overview of applicable rules, increasing administrative burden.

*4.2.2 Simplification of the rules applicable to direct management*

**Preferred option:**

*Simplify the implementation of AMF, BMVI and ISF, by using implementing rules that are aligned as much as possible with those of other EU financial instruments under direct management.*

**Alternative option:**

*Do not simplify the implementation of AMF, BMVI and ISF.*

**Preferred option:**

A similar approach would be followed for direct management, aligning rules to the extent possible with other EU Funds insofar as it would not increase the administrative burden for beneficiaries. This would facilitate the implementation of EU funding by beneficiaries. It corresponds to needs expressed by international organisations and NGOs during the consultation activities, especially with regard to activities in the external dimension and with rules that are applied under the successor to the Horizon 2020 Programme. This would be achieved through aligning rules for all direct management in the Regulations for the future Funds. In addition, it should be possible to provide operating grants to organisations whose activities represent a clear EU added value.

**Alternative option:**

One of the main challenges for the next MFF is to simplify the management of the Funds. Therefore, this option is not considered realistic.

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<sup>79</sup> This type of support enables 100% financing by the Union and has lighter reporting requirements.

### 4.3 The need for an adequate level of funding

The past and ongoing efforts in the different fields outlined above will have to continue, as migration and security risks remain highly significant and the need for the EU to act is still there. Europeans indicate that security and safety are a top priority for their Union<sup>80</sup>. The size, structure and content of the future Union budget will have to correspond to the political ambitions in these policy fields, taking into consideration that migration and security will remain defining issues for the Union for the years to come.

Therefore, in order to adequately support the policy response to the increased challenges in the area of migration, border management and security, **an increase in the level of EU funding is needed** when compared to the current programming period.

Ensuring a sustainable implementation of a genuine **Security Union**, including the development and maintenance of various databases and IT systems, has required and will still require financial support. As the terrorist attacks of the past years have shown, the Union's exposure to such violence is increasing and has to be mitigated adequately, particularly through preventive work. Support continues to be needed to combat cybercrime as well as serious and organised crime.

In the area of **border management**, the future development of the European Border and Coast Guard will depend on the decisions taken on the future MFF. While the level of funding needs depends on the level of ambition, it is certain that significant financial support is needed. The choice to upgrade the European Border and Coast Guard would allow support for a fully integrated EU border management system, which would be based on a revised legal framework with an expanded mandate. In accordance with scenario 2 outlined in the MFF Communication, that covered the upgrading of the EBCGA, substantial funding support would be needed to reinforce the existing tools related to risk assessment and situational pictures; provide financial support and training for the increase of the national border guard component in vulnerable Member States; bigger and more operational expert pools; and reinforced equipment for the Agency and Member States.

In the area of **customs control equipment** imbalances exist between Member States and are reinforced by objective geographical differences. Depending on the nature of the external border, Member States have different resources and needs for their customs control equipment. For example, large ports with huge volumes generate higher revenue, which increase the amounts available to customs authorities to cover their collection costs and at the same time allows synergies in the use of equipment. Long land borders with a high number of small border crossing point, require a lot of material and equipment to be fully operational, generate less revenue and therefore less resources available to customs authorities to cover their collection costs. The six Member States with the large seaports collect more than 75% of all customs duties and therefore retain the largest part of the collection fees. These imbalances and the lack of a specific EU

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Special Eurobarometer 464b: European's attitudes towards security, December 2017.

instrument for equipment thus impair dramatically equivalence in the performance of customs controls throughout the customs union.

Securing equivalent customs equipment and infrastructure is an important aspect for ensuring that all points of the external border are equipped in a way which allows a uniform level of protection. Using modern equipment would facilitate the quick and efficient implementation of physical checks, thus securing the control of restricted and prohibited goods and facilitating the flow and speed of legitimate trade. Achieving these objectives within the Customs Union can only be done by ensuring that even the weakest link is strong enough to fulfil its function.

EU funding should also support the **integration of third-country nationals** legally residing in the EU, in particular beneficiaries of international protection (refugees and beneficiaries of subsidiary protection) and family members who come to the EU for family reunification purposes. Support is also needed to step up the use of legal avenues for persons in need of protection to come to Europe, while continuing efforts to decrease irregular migration. Successfully implementing the reform of the Common European Asylum System, including the reform of the Dublin system, the Action plan on the integration of third-country nationals and the renewed Action plan on a more effective return policy in the European Union will also require financial support.

Overall, both evaluations and consultations carried out in the context of this Impact Assessment show that the scale of the challenges to be addressed under the next MFF will be increasing. Current levels of support would therefore not be sufficient to address the needs nor enable to meet the political ambitions expressed in the areas of migration, security and border management.

## **5 HOW WILL PERFORMANCE BE MONITORED AND EVALUATED?**

### **5.1 Practical arrangements of the evaluation: when and by whom**

The current monitoring and evaluation framework, establishing common indicators for shared management, needs to be improved in such a way that it allows for better performance based management of the Funds and covers all management modes in a timely fashion.

The Commission should ensure that systems are in place to monitor the implementation of the funding instruments and evaluate them against the main policy objectives, covering all management modes. The implementation of the Specific Regulations shall be evaluated by the Commission in cooperation with the Member States.

Provisions of AMF, IBMF and ISF should be established for the evaluations of the funding instruments. The timing of the mid-term review, taking into account available evaluations, should be fixed in advance to guarantee predictability for the Member States, and to encourage Member States to implement measures at the beginning of the financial period.

In order to monitor the progress and measure the relevance, effectiveness, efficiency, added value, coherence and sustainability of the actions, a set of indicators should be

used. A first set of indicators is included as Annexes to the Regulations and the Commission shall be empowered to adopt delegated acts in order to develop further the monitoring and evaluation framework. Such implementing powers enable flexibility to adapt to changing circumstances and changing availability of data in view of achieving a robust monitoring and evaluation framework, while reducing the administrative burden for the Responsible Authorities and beneficiaries in Member States. The monitoring and evaluation framework will build on the provisions for monitoring and evaluation included in the future Common Provisions Regulation, covering shared management.

The measurement of the success of the programmes will be based on objectives set between Commission and Member States, to be agreed in the national programmes, and the subsequent measurement of achievements towards those objectives. The achievement of the specific objectives and implementation measures of the Fund are measured through result and output indicators respectively. The measurement of achieving the policy objectives of the Funds, assessing their impact, would follow from an analysis of these result and output indicators.

The obligation and roles for Member States and Agencies to systematically gather and provide data that are necessary to measure the effectiveness of the actions will be laid down in the Regulations. Member States will report on the relevant output and result indicators in the framework of the annual reporting requirements that will be laid down in the future CPR.

The Commission shall also issue guidance on the monitoring and evaluation framework. Learning from the implementation of the current funding instruments, such guidance should be available at the beginning of the financial period in order to offer certainty, predictability and assistance to the Member States and beneficiaries, in view of gathering the data needed for monitoring and evaluation.

## **5.2 Monitoring indicators**

Data for the monitoring indicators for AMF, IBMF, and ISF are to be collected on an ongoing basis by the Member States or Agencies. For evaluation purposes yearly statistics will be computed and compared between successive years. Where possible, a comparison with a baseline situation can be used. A set of core performance indicators will be developed per Specific Regulation.

Monitoring indicators are not sufficient to provide an adequate evaluation of the effects of the programme. For this reason, it is foreseen to plan for impact evaluations of the effects of specific projects/interventions on selected outcomes (measured on intermediate/end users), along with the relevant data collection at the appropriate level of granularity. The details of the evaluation and data plans will be defined before 2020 in collaboration with the Joint Research Centre of the Commission.

Building on the existing and best performing indicators, as well as the availability of data, a first set of core performance indicators as well as a set of output and result indicators per Specific Regulation is proposed. For the indicators listed, experience

confirms that such information is available. The source of data is indicated between brackets in the overview below.

#### 5.2.1 *Core performance indicators for the Asylum and Migration Fund*

1. Number of persons resettled with the support of the Fund (*Data source: Member States*).
2. Number of persons in the reception system as compared to the number of asylum applicants (*Data source: EASO*).
3. Convergence of protection recognition rates for asylum applicants from the same country (*Data source: Eurostat*).
4. Number of persons who participated in pre-departure measures supported under the Fund (*Data source: Member States*).
5. Number of persons who participated in integration measures supported under the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund (*Data source: Member States*).
6. Number of returns following an order to leave compared to the number of third-country nationals ordered to leave (*Data source: Member States*).
7. Number of returnees whose return was co-financed by the Fund, persons who returned voluntarily and persons who were removed (*Data source: Member States*).
8. Number of returnees who have received pre or post-return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund (*Data source: Member States*).

#### 5.2.2 *Core performance indicators for Integrated Border Management Fund – Border Management and Visa Instrument*

In the area of border management:

1. Number of irregular border crossings detected at the EU external borders a) between the border crossing points; b) at the border crossing points (*Data source: European Border and Coast Guard Agency*).
2. Number of persons using fraudulent travel documents detected at the border crossing points (*Data source: European Border and Coast Guard Agency*).

In the area of visa:

1. Number of persons using fraudulent travel documents detected at consulates supported by the Fund (*Data source: Member States*).
2. Average decision time (and trends) in the visa procedure (*Data source: Member States*).

### 5.2.3 *Core performance indicators for the Integrated Border Management Fund – Customs Control Equipment*

The customs control equipment will be supported by an assessment of needs (see Annex 6 for more details), consisting in particular in establishing joint standards for customs control equipment for each type of BCP and each type of equipment.

Once such standards are established, it is proposed to monitor the performance of the new Instrument by comparing the equipment gap between these standards and the actual availability of equipment by type of BCP:

1. Availability at land BCPs of customs control equipment meeting agreed standards (by type of equipment).
2. Availability at sea BCPs of customs control equipment meeting agreed standards (by type of equipment).
3. Availability at air BCPs of customs control equipment meeting agreed standards (by type of equipment).
4. Availability at post BCPs of customs control equipment meeting agreed standards (by type of equipment).
5. Availability at rail BCPs of customs control equipment meeting agreed standards (by type of equipment).

### 5.2.4 *Core performance indicators for the Internal Security Fund*

1. Use of EU and international information exchange mechanisms (*Data sources: Europol, eu-LISA, Council, Member States*).
2. Number of joint operational actions supported by the Funds (*Data sources: Europol, Eurojust, Member States*).
3. The estimated value of assets frozen, estimated value of assets confiscated with the help of the Fund (*Data source: Member States*).
4. Value of illicit drug seizures achieved with involvement of cross-border cooperation between law enforcement agencies (*Data source: Member States, Union action grant beneficiaries*).
5. Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed with the support of the Fund, as compared to the total number of recommendations with a financial implication in the area of security (*Data source: Member States*).
6. Number of law enforcement officials that completed training, exercises, mutual learning or specialised exchange programmes on cross-border related topics provided with the support of the Fund (*Data source: Member States*).
7. Number of critical infrastructures and public spaces of which the protection against security-related incidents has been improved with the help of the Fund (*Data source: Member States*).
8. Number of initiatives to prevent radicalisation leading to violent extremism (*Data source: Radicalisation Awareness Network*).

# Annex 1: Procedural information

## 1 LEAD DG(S), DeCIDE PLANNING/CWP REFERENCES

The lead department for this Impact Assessment is the Directorate-General for Migration and Home Affairs (DG HOME) and the Directorate-General for Taxation and Customs Union (DG TAXUD). In particular the assessment has been carried out by Units HOME.E3 (National Programmes for North and West Europe; Evaluations; MFF) TAXUD.E3 (Management of programmes and EU training).

## 2 ORGANISATION AND TIMING

As indicated in the Better Regulation Guidelines on Impact Assessments, an inter-service steering group (ISSG) was set up to follow the assessment process. The ISSG was created and held its first meeting at the end of June 2017. Members of the ISSG are the following services: AGRI, BUDG, CNECT, DEVCO, EAC, ECFIN, ECHO, EEAS, EMPL, FPI, GROW, JRC, JUST, MARE, MOVE, NEAR, OLAF, REGIO, RTD, SANTE, SG, SJ, SRSS and TAXUD. The ISSG met on 26 June 2017, 30 August 2017, 26 October 2017, 22 February 2018 and 22 March 2018. It has been involved and provided feedback on the deliverables of the MFF post-2020 study and in the overall process of drafting the Staff Working Document. The minutes of the last meeting of the ISSG are annexed to this Impact Assessment.

## 3 CONSULTATION OF THE RSB

An informal upstream meeting was held on 24 January 2018 with RSB representatives and the participation of SG, DG BUDG and JRC. During this discussion Board members and representatives of the horizontal Services provided early feedback and advice on the basis of the inception impact assessment (or scoping paper). The feedback by Board members did not prejudice in any way the subsequent formal deliberations of the RSB.

On 13 April 2018, the RSB gave a positive opinion on the draft Impact Assessment and recommended to further improve the report with respect to the following key aspects.

<b>(B) Main considerations</b>	<b>Implementation of recommendations</b>
(1) The report does not sufficiently explain the new instrument for customs control equipment. It does not say why a direct management mode is appropriate.	Section 4.1.1 has been revised in order to explain why shared management is not fit for customs.
(2) The report does not explain how increasing EU competence in these areas and expanded role of agencies	For AMF, BMVI and ISF, section 3.2 has been revised to explain how the extension of EU competence and larger role of agencies affects the roles of the respective

will affect the overall system.	programmes. For Customs Control Equipment, Section 4.1.1 has been revised in order to explain the benefits of the new Union intervention.
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The RSB provided further considerations and recommendations for improvement.

<b>(C) Further considerations and recommendations for improvement</b>	<b>Implementation of further considerations and recommendations</b>
(1) The report should clarify how the new fund for customs control equipment will be managed. It should explain why it considers direct management to be the most appropriate delivery mechanism. The current text gives the impression that an executive agency is a possibility. This is reportedly not the case, so the text should be adjusted to not mislead. As customs control equipment is a new area of intervention in these funds, the report should add a dedicated annex on customs control equipment and on the chosen delivery mechanism.	Section 4.1.1 has been revised in order to clarify the reasons for selecting direct management. A dedicated annex (Annex 6) has been added to present the overall design, including implementation model and governance, of the chosen delivery mechanism.
(2) The report should present the main changes in the programme structure and the priorities compared to the current programming period. Moreover, the report should clarify the scope of the external component of the programme, i.e. its complementarity with the external instruments.	Section 3.2 has been revised to present the main changes to the programme structure compared to the current programming period. Section 3.3 is revised to clarify the scope of the external component and its complementarity with the external instruments.
(3) The report should also explain how the extension of EU competence and larger role for agencies affects the roles of the respective programmes. Does it increase the need for actions at national level, for delegation to the agencies, or reduce the priority of some interventions?	Section 3.2 has been revised to explain how the extension of EU competence and larger role of agencies affects the roles of the respective programmes.
(4) The Board understands that the new mechanism for performance reserves was still under development when drafting the	Section 4.1.4 has been revised to update and clarify the preferred mechanism, taking into account experience from other EU Funds and developments in the framework

report. Its final version should however update and clarify the chosen mechanism and justify it in the light of experience from other EU funds (as orally explained to the Board).	of preparing the future Common Provisions Regulation for shared management.
(5) The report should clarify how the new emergency mechanism will function within the envelopes of each of the three funds for migration and security, and that the use of emergency assistance should be limited due to the new flexibility provided by the thematic facility. It should explain the advantage of this mechanism over emergency funding in the previous programming period.	Section 4.1.3 has been revised to provide clarifications on how the new emergency mechanism will function.
(6) The monitoring arrangements are not well developed. The report should clarify how the programmes' success will be defined and measured.	Section 5.1 has been revised to provide further information on the monitoring arrangements and how programmes' success will be defined and measured.
<i>Some more technical comments have been transmitted directly to the author DG.</i>	More technical comments have been accommodated throughout the report, where applicable.

#### 4 EVIDENCE, SOURCES AND QUALITY

The analysis presented in this document was based on evidence supported by:

- Interim evaluations of the current funds: AMIF, ISF Borders and Visa and ISF Police;
- Study of an external consultant;
- Consultations with Member States and stakeholders (including an open public consultation).

## **Annex 2: Stakeholder consultation**

Following the Better Regulation Guidelines, this Annex will summarise DG HOME's and DG TAXUD's consultation activities with the aim (i) to inform policy making on the outcome of the consultation activities; and (ii) to inform stakeholders on how their input has been taken into account and to explain why certain suggestions could not be taken up.

### **1. Objectives and scope of the consultation strategy**

The objective of the consultations undertaken by DG HOME and DG TAXUD was to gather input from stakeholders and ensure that the general public's interest of the Union is well reflected in the future design of the funding instruments. The aim of the consultation activities was to feed the stakeholders' input into the drafting of the legislative proposals and the accompanying Impact Assessment.

These consultations gave relevant stakeholders the opportunity to present their views to the Commission on how well the existing programmes meet the needs of migration and security and how they could be improved to address future challenges and adequately support the Union's objectives in these areas.

The consultations covered general topics related to the design of the instruments and future policy priorities, as well as more specific topics related to the delivery mechanisms and practical implementation.

### **2. Identified stakeholders**

The consultation was based on a stakeholders mapping, which covers the main EU organisations and institutions working in the field of migration and security, public authorities at all levels of government, social partners, civil society organisations, and funding beneficiaries.

Contributions were, in particular, sought from the following stakeholders:

- Member States and Schengen Associated Countries:
  - National Authorities (e.g. Ministry of Interior, Ministry of Justice, Ministry of Labour/ Employment);
  - Responsible Authorities for the implementation of national programmes under AMIF and ISF;
  - Audit Authorities for AMIF and ISF;
  - Delegated Authorities for AMIF and ISF;
  - Managing Authorities for the European Structural and Investment Funds (ESIF);
  - Local and regional authorities.
  - National Coordinators for the Customs 2020 Programme
- European Institutions and bodies, including Home Affairs Agencies (EBCGA, EASO, EUROPOL, CEPOL, eu-LISA and EMCDDA);

- International Organisations, such as the International Organisation for Migration (IOM) and the United Nations Refugee Agency (UNHCR);
- Beneficiaries of AMIF and ISF (but also other EU Funds, in particular ESIF);
- Civil society (NGOs/civil society organisations);
- Social partners (trade and employers' unions);
- Academic institutions and think tanks, including experts in the fields of migration and security;
- EU citizens at large and third-country nationals in the EU.

### **3. Consultation methods and activities**

The stakeholder consultation involved a range of methods and tools in order to ensure that a sufficient variety and number of stakeholders would be reached, and that opinions would be cross-checked.

The consultation activities included:

- Open Public Consultations;
- Stakeholder workshops;
- Webinars;
- Surveys;
- Case studies.

### **4. Open Public Consultations**

The aim of the web-based public consultations was to gather feedback from a broad range of stakeholders. They were available in all EU languages.

The public consultations on EU Funds post-2020 were launched as a mandatory element of the stakeholder consultation. The consultations were based on both closed and open questions on the policy challenges, subsidiarity, objectives of the programmes and obstacles to reach them, simplification and synergy between the programmes.

The standard 12-week open public consultation was shortened to 9 weeks by the Commission due to the limited time for preparing the new programmes. The open public consultations were launched on 10 January 2018 and remained open until 9 March 2018.

#### **4.1. Open Public Consultation on EU Funds in the area of migration**

The Open Public Consultation (OPC) on EU Funds in the area of migration<sup>81</sup> received a total of 351 replies<sup>82</sup>. This consultation was open to the general public and all stakeholders with an interest and/or involvement in migration issues. The scope of the

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<sup>81</sup> The results of the open public consultation are available online: [https://ec.europa.eu/info/consultations/eu-funds-area-migration\\_en](https://ec.europa.eu/info/consultations/eu-funds-area-migration_en)

<sup>82</sup> Specifically, 165 respondents replied as individuals in their personal capacity, while 186 replied in their professional capacity or behalf of an organisation (19 international or national public authorities; 81 non-governmental organisations, platforms or networks; 3 private enterprises; 1 professional consultancy/law firm, self-employed consultant; 34 regional or local authorities; 10 trade, business or professional associations; 2 churches and religious communities; 6 respondents from research and academia; 30 other organisations).

OPC was not limited to AMIF but also included other EU Funds supporting objectives in the area of migration.

On assessing the importance of identified migration policy challenges that the Funds could address, respondents identified the following priorities, listed by the percentage of respondents who assessed them as ‘very important’ or ‘rather important’ (sum of percentages into brackets):<sup>83</sup>

- **‘Ensuring solidarity with MSs facing the greatest migration pressure’** (79%). The majority of respondents believes that the current Funds successfully address this challenge either fully (4%), fairly well (14%), or to some extent only (47%). 19% considers that the challenge is currently not addressed at all.
- **‘Strengthening and developing the Common European Asylum System’** (70%). The majority of respondents believes that the current Funds successfully address this challenge either fully (9%), fairly well (33%), or to some extent only (37%). 26% considers that the challenge is currently not addressed at all.
- **‘Supporting the work of MSs to accept and integrate migrants into their societies’** (63%). The majority of respondents believes that the current Funds successfully address this challenge either fully (14%), fairly well (22%), or to some extent only (33%). 32% considers that currently it is not addressed at all.
- **‘Engaging with countries outside the EU to stem irregular migration, including tackling smuggling networks’** (60%). The majority of respondents believes that the current Funds successfully address this challenge either fully (9%), fairly well (12%), or to some extent only (36%). 19% considers that the challenge is currently not addressed at all.
- **‘Meeting reception needs of asylum seekers, refugees and other migrants’** (58%). The majority of respondents believes that the current Funds successfully address this challenge either fully (11%), fairly well (24%), or to some extent only (42%). 12% considers that the challenge is currently not addressed at all.

According to almost half of the respondents (47%), the current EU Funds create EU added value, either to a fairly large extent, or to a large extent, compared to what MSs could achieve at national, regional and/or local levels. A significant share of respondents replied that EU Funds generate EU added value to some extent only (33%), while a minority (15%) believes that they do not generate added value. Among the groups with the largest number of respondents, more than half of the representatives from non-governmental organisations, platforms or networks selected ‘to a large extent’ or ‘to a fairly large extent’ (62%), while stakeholders responding as individuals are those who selected the most the option ‘not at all’ (30%).

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<sup>83</sup> Selected from a pre-defined list of options based on the sum of the percentages of respondents indicating ‘very important’ or ‘rather important’, on a scale including: ‘very important’, ‘rather important’, ‘neither important nor unimportant’, ‘not very important’, ‘no opinion’. The percentage per answer is calculated as the number of persons who selected the relevant answer over total number of respondents, unless otherwise specified.

‘Complexity of rules and high administrative burden’ (66%) and ‘lack of flexibility to respond to changing circumstances’ (66%) are identified as the **main obstacles**<sup>84</sup>, preventing the current Funds from successfully achieving their objectives, followed by ‘difficulty in combining EU and national/regional interventions’ (52%). On the contrary, the ‘insufficient institutional capacity to manage the funds’ and ‘insufficient focus on incentivising performance and results’ are the options for which the largest number of respondents selected that it was not at all an obstacle (19% each).

As regards **simplification**,<sup>85</sup> according to the respondents, ‘clearer rules and simplified procedures’ is the most important measure to help further simplify and reduce administrative burden for beneficiaries (77%), followed by ‘simpler access to funding’ (65%), and ‘wider scope for interventions able to be funded’ (59%).

Strategies suggested by stakeholders to enhance **synergies** among funding instruments include grouping/merging some programmes to avoid possible overlaps/duplication, increasing exchange of information both at national and EU level, and simplifying the Funds, programmes and related processes in order to reduce the risk of overlaps.

#### **4.2. Open Public Consultation on EU Funds in the area of security**

The Open Public Consultation (OPC) on EU Funds in the area of security<sup>86</sup> received a total of 155 replies<sup>87</sup>. The scope of the OPC was not limited to ISF but included also the following EU Funds and programmes in the area of security: the European Defence Fund (EDF), the Emergency Support Instrument (ESI), the Hercule Programme and the Pericles Programme.

When assessing the importance of identified security policy challenges that the Funds could address, respondents identified the following **priorities**, listed by the percentage of respondents who assessed them as ‘very important’ or ‘rather important’ (sum of percentages into brackets)<sup>88</sup>:

- **‘Fighting cross-border crime, including terrorism, with more cooperation between law enforcement authorities’** (87%). The majority of respondents

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<sup>84</sup> Selected from a pre-defined list of options based on the percentage of respondents indicating ‘to a large extent’ and ‘to a fairly large extent’, on a scale including: ‘to a large extent’, ‘to a fairly large extent’, ‘to some extent only’, ‘not at all’, ‘no opinion’.

<sup>85</sup> Selected from a pre-defined list of options based on the percentage of respondents indicating ‘to a large extent’ and ‘to a fairly large extent’, on a scale including: ‘to a large extent’, ‘to a fairly large extent’, ‘to some extent only’, ‘not at all’, ‘no opinion’.

<sup>86</sup> The results of the open public consultation are available online:  
[https://ec.europa.eu/info/consultations/eu-funds-area-security\\_en](https://ec.europa.eu/info/consultations/eu-funds-area-security_en).

<sup>87</sup> Specifically, 39 respondents replied as individuals in their personal capacity, while 116 replied in their professional capacity or behalf of an organisation (42 international or national public authorities; 16 non-governmental organisations, platforms or networks; 25 private enterprises; 1 professional consultancy/law firm, self-employed consultant; 7 regional or local authorities; 7 trade, business or professional associations; 1 church and religious community; 8 other organisations).

<sup>88</sup> Selected from a pre-defined list of options based on the sum of the percentages of respondents indicating ‘very important’ or ‘rather important’, on a scale including: ‘very important’, ‘rather important’, ‘neither important nor unimportant’, ‘not very important’, ‘no opinion’. The percentage per answer is calculated as the number of persons who selected the relevant answer over total number of respondents, unless otherwise specified.

believes that the current Funds successfully address this challenge either fully (13%), fairly well (32%), or to some extent only (31%).

- ‘**Protection of people, public spaces and critical infrastructure**’ (87%). The majority of respondents believes that the current Funds successfully address this challenge either fully (7%), fairly well (29%), or to some extent only (37%).
- ‘**Promoting strong cyber-security**’ (85%). The majority of respondents believes that the current Funds successfully address this challenge either fully (6%) fairly well (26%), or to some extent only (41%).
- ‘**Supporting security at the external borders**’ (82%). The majority of respondents believes that the current Funds successfully address this challenge either fully (10%), fairly well (32%), or to some extent only (32%).

On the **EU added value** of the Funds, the majority of respondents consider that they provide EU added value either to a large (31%) or fairly large extent (37%), compared to what MSs alone could achieve at national, regional and/or local levels. In particular, some stakeholders underline how EU Funds act as facilitators of transnational partnerships, and enable MSs to face common and cross-border challenges.

‘Complex procedures leading to high administrative burden and delays’ are identified as the **main obstacle**<sup>89</sup> preventing the current Funds from successfully achieving their objectives (71%), followed by ‘lack of flexibility to react to unforeseen circumstances or new priorities’ (55%), ‘difficulty to ensure the sustainability of projects when the financing period ends’ (46%), and ‘difficulty of combining EU action with other public interventions’ (46%). On the contrary, the ‘insufficient focus on performance and results’ is the option for which the highest number of respondents selected that it was not at all an obstacle (25%).

As regards **simplification**,<sup>90</sup> respondents consider ‘fewer, clearer and simpler rules’ (78%), ‘simpler application and reporting procedures’ (73%), ‘alignment of rules between EU Funds’ (66%), and ‘more flexibility of activity once funding is eligible’ (66%) as the main steps to further simplify and reduce administrative burden for beneficiaries.

The strategies proposed by respondents to strengthen the **synergies** with other Funds to avoid possible overlaps or duplication include providing more information on EU funding opportunities; standardisation of procedures; combining Funds, especially for common areas; or stronger management at the EU level.

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<sup>89</sup> Selected from a pre-defined list of options based on the percentage of respondents indicating ‘to a large extent’ and ‘to a fairly large extent’, on a scale including: ‘to a large extent’, ‘to a fairly large extent’, ‘to some extent only’, ‘not at all’, ‘no opinion’.

<sup>90</sup> Selected from a pre-defined list of options based on the percentage of respondents indicating ‘to a large extent’ and ‘to a fairly large extent’, on a scale including: ‘to a large extent’, ‘to a fairly large extent’, ‘to some extent only’, ‘not at all’, ‘no opinion’.

### **4.3. Open Public Consultation on EU funds in the area of customs control equipment**

A centralised multi-programme Open Public Consultation (OPC) was led and managed by the Secretariat General: the public consultation on EU funds in the area of investment, research & innovation, SMEs and single market. This consultation contributed to the evaluations of existing EU financial programmes covering several policy areas and the Impact Assessment in preparation of the sectoral programmes and contemplated also the customs issues.

Out of the 4 052 respondents to this multi-clustered OPC, 13 reported on customs and underlined – inter alia – that allowing for the acquisition of equipment for customs control would greatly contribute to better use of the possibilities offered under the current Customs programme and to increasing the effectiveness of the opportunities offered by this programme. The current lack of programme and funds that directly supports the purchase of customs equipment was underlined. It was mentioned that purchase of equipment necessary for customs controls could be supported by programmes for the support for the functioning of various aspects of the single market. As to the importance of strengthening synergies among programmes/funds in order to avoid possible overlaps/duplication, it was mentioned that it is fundamental to group/merge those with similar scope.

## **5. Stakeholder workshops**

Consultations with Member States and Schengen Associated Countries took place in the framework of the AMIF-ISF Committee, which is comprised of the representatives of the Responsible Authorities for the implementation of the AMIF and ISF national programmes. Member States had the possibility to provide feedback through a series of workshops. On 23-24 November 2016 Member States provided initial ideas on the preparation of the next home affairs funds. On 13 March 2017 Member States provided feedback on the main funding priorities. On 6 December 2017 Member States had the opportunity to provide input on the architecture of the funds, delivery modes and new priorities.

In the customs domain, consultation with Member States took place in Workshops organised under the auspices of the Customs 2020 Programme.

### **5.1. Workshop I on the Horizontal provisions for the post-2020 HOME funds**

As a general remark, Responsible Authorities (RAs) demonstrate overall satisfaction on the current implementing rules of the Funds, and express consensus on the importance to limit the changes in the post-2020 Funds. The late approval of the Horizontal Regulation affected the design of the National Programmes and RAs call for any possible modification of the Horizontal Regulation and the negotiations on National Programmes well in advance the beginning of the implementation.

With regards to management and control systems, RAs agree that there are too many controls to be performed at national level (i.e. administrative controls, operational and financial on-the-spot controls, controls of the Audit Authority) and suggest considering giving on-the-spot controls to Audit Authorities, while not re-introducing the Certifying Authority. In addition, the use of Simplified Cost Options (SCOs) is challenging for RAs, which suggest the introduction of guidance and “off-the-shelf” solutions from the Commission. The introduction in the Regulation of lump sums (as already done for resettlement) is considered a good example of simplification and need to be considered for the future MFF (e.g. lump sums for asylum seekers, trainings, awareness campaigns).

On the financial management, MSs stress that the de-commitment rule (Year N+2) is not very clear and that the adoption of payment claims based on payments moved the burden from the Commission to RAs. The pre-financing rate is too low and the possibility to submit accounts only once a year limits RAs’ room for action. The low level of pre-financing brought some RAs to ask for financial resources in advance to national ministries in order to pay beneficiaries and avoid de-commitment. RAs suggest either to set a higher annual pre-financing rate (e.g. 15%), or allow intermediate payments as it is done for ESIF.

Finally, a few issues have been raised when discussing programme implementation. RAs stress that there are too many reports to be submitted to the Commission and duplications of efforts between the mid-term review and the interim evaluation have been identified as an issue.

## **5.2. Workshop II on the Specific Regulations: AMIF**

The workshop showed a general consensus among Responsible Authorities (RAs) on a proposal to not allocate the entire funding envelope as initial allocation and distribute the remaining allocation via top-up funding, according to emerging needs and/or following the mid-term review exercise. RAs stress that more **flexibility** to transfer money among different Specific Objectives is welcome, while no substantial problems have been raised regarding minimum percentages for the allocation of funding to Specific Objectives.

As far as the **architecture of EU funding for migration** is concerned, multiannual programmes are perceived as very effective by MSs. National Programmes cover a broad spectrum of issues and the current list of eligible actions is comprehensive and allows sufficient interpretation. Complementarity with other EU Funds is more likely to occur with the European Social Fund.

Commenting on **delivery modes**, according to most RAs, EMAS is a useful and responsive tool, however it is not always easy to estimate how much funding is needed to react to an emergency situation.

A focus on countering radicalisation - currently covered mainly under ISF - could be included under the successor to AMIF as a **new priority**.

### 5.3. Workshop III on the Specific Regulations: ISF

To enhance the **flexibility** of ISF, it is proposed to allocate 50% of resources at the beginning of the programming period, and to distribute the remaining 50% periodically according to risk assessments. RAs stressed that the thresholds for the allocation of resources among Specific Objectives limits the instrument's flexibility. It is suggested that the template for the design of the next National Programmes could include a "glossary" that clarifies what should go under each National Objective. The threshold for investments in IT maintenance in ISF Police appears to be too low. RAs demonstrate consensus on the idea to have clear indications on the amount of resources available to MSs for the procurement of the equipment, consistently with the budget period and the role of the EBCGA according to the renewed mandate.

When commenting on **delivery modes**, several elements contribute to the workload of managing the National Programmes (NP): (i) several changes occurred following top-ups, internal redistribution of resources, results of the Schengen evaluations (ii) the reporting is not synchronised with the changes RAs make to the National Programmes, (iii) indicators are not always relevant, (iv) results of Schengen evaluations are often available when most of national resources have been already committed, (v) the initial approval of the National Programmes took too long and created a blockage in the implementation for the first year.

There is consensus on the fact that ISF is wide enough and cover all relevant policy **priorities**. However, actions such as infrastructure for ISF Police, actions resulting from the Schengen evaluation system, and actions to fund migration issues within the Schengen area could be identified as **new priorities**. Cybercrime and financial crimes should gain more importance, while priorities of the ISF Police should be better aligned with the EU Policy Cycle priorities.

### 5.4. Workshop with Home Affairs Agencies on post-2020 MFF

Home Affairs Agencies were consulted through a dedicated workshop that took place on 24 November 2017 where they had the opportunity to present their views and to submit position papers.

Stakeholders concurred that in order to maximise EU added value, EU spending should reflect EU level priorities and policy commitments and should support the implementation of the EU home affairs *acquis*. Stakeholders called for sufficient funding to be made available to the home affairs agencies, in particular the European Asylum Support Office (EASO), the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (EBCGA), in line with their increasing activities. Stakeholders agreed on the need for more flexibility embedded within the structure of the Funds.

## **5.5. Workshop with international organisations and third sector representatives on the post-2020 MFF**

Representatives of international and civil society organisations, as well as think tanks and research centres working in the field of migration and security were consulted through a dedicated workshop, which took place on 15 December 2017 in Brussels. The workshop, in the form of an informal round-table discussion, aimed at gathering the participants' views on the scope, funding priorities and delivery modes of the future home affairs funding instruments, taking into account the lessons learned from the implementation of the current Funds.

With regards to **flexibility**, the attendees agreed that more flexibility is needed to address emerging challenges and new priorities. The participants welcome the idea of not allocating the full amount upfront and keeping a certain percentage of the Funds for allocation during the programming period.

At the same time, participants asked for more **simplification** in the delivery mechanisms. Attendees agreed that harmonisation of rules among different funding instruments should be one of the key objectives for the next MFF. Union actions are a good tool to fund policy priorities. Some attendees indicated that through Direct Management, in particular Union Actions, it is easier to have an overview of what is being implemented and to coordinate in order to avoid overlaps, while this is more complicated under Shared Management. Compared to Union actions, Shared Management is more challenging for beneficiaries. According to some attendees, AMIF funding is difficult to access in some MSs.

There was an overall consensus among key stakeholders on the need for a **wider scope of actions** for EU funding, including its external dimension, enhancing the impact of home affairs policies. Participants agreed that it is needed to do more concerning the external dimension, in particular to ensure adequate sustainability of such actions. A thematic approach is preferred over a geographical approach. With regards to **synergies** with other Funds, the risk of overlaps should be reduced by introducing a clear distinction of the scope of the interventions managed by DEVCO, NEAR, ECHO or HOME. Attendees suggested that a distinct instrument should be developed to deal with the external area. Participants also added that before launching any intervention in third countries, it is necessary to ensure that fundamental rights are observed.

## **5.6. Workshops under the Customs 2020 programme – customs control equipment**

A workshop was organised on 21-23 June 2016 with all Participating Countries under the Customs 2020 programme (Member States and Candidate countries). The workshop consisted in identifying all challenges that Customs administrations are likely to face in the 10/15 coming years, in classifying them in clusters and in considering how the future customs programme could contribute to replying to these – or part of these – clusters of challenges. For what concerns equipment and infrastructure, the workshop identified that the challenge will be to obtain EU funds for obtaining necessary EU funds for necessary

national investments. Indeed, being faced with globalisation, security threats and possibly economic migration issues, the EU needs a customs policy to support common or at least coordinated operational border management to effectively adapt to these trends. Given the general lack of national resources to deal with new ways and areas of control, for what concerns the required equipment necessary for customs to perform their core duties, the challenge will be to obtain EU funds for necessary national investments. The possible solutions identified are to have a dedicated customs fund for financing, to develop a joint usage of equipment and infrastructure and to support Member States to benefit from non-customs EU funds.

Another workshop took place on 27-29 September 2017. Member States highlighted again that funds should provide easy access and fair distribution mechanisms to access/purchase customs control equipment.

## 6. Webinars

Two webinars have been organised and managed by the external contractor (EY) through the videoconferencing tool 'Zoom' on 13-14 November 2017, involving Member States Responsible Authorities (RAs), EU Agencies, and individual experts:

- Webinar on AMIF, with the participation of 8 RAs (BG, CY, EL, FI, HU, LV, MT, PT) and 3 EU Agencies (EASO, eu-LISA, EBCGA).
- Webinar on ISF, with the participation of 12 RAs (BG, CY, CZ, ES, FI, HU, LV, MT, PT, RO, SE, SI), 4 EU Agencies (CEPOL, eu-LISA, EUROPOL, EBCGA), and 1 security expert.

The discussions focused on stakeholders' views on aspects concerning the size and scope of the Funds, as well as implementation issues.

### 6.1. Webinar on AMIF

The participants stressed the importance of flexibility and simplification of procedures in facing evolving needs. A number of participants highlighted that the current national allocations have been defined based on a baseline scenario which changed dramatically. Areas where the level of funding was identified as sub-optimal are asylum, integration, and return.

Participants agreed that, overall, the **priorities** identified in the legal basis are in line with the needs of MSs, and that there are no priorities which should be discarded. Some RAs commented that they would like higher pre-financing. Regarding monitoring and reporting, an issue encountered by some RAs is that preparing accounts and implementation reports within few weeks of distance is considered as a duplication of effort. Moreover, the delegated act, as well as the guidance, on the common monitoring and evaluation framework was introduced after several projects were already launched.

Participants did not share a common view on whether the existence of **multiple funding instruments** covering similar policy areas creates problems. Participants, who consider that the fragmentation of funding may create problems, highlighted that several EU Funds address similar target groups. Those participants believe that this fragmentation makes it difficult for MSs to establish national priorities, and hinders their understanding

of funding opportunities, generating administrative burden. Participants who consider that the existence of multiple funding instruments is not problematic explained that they do not experience overlaps in terms of target groups between AMIF and, for example, ESF and FEAD.

## **6.2. Webinar on ISF**

There is consensus among participants on the need for more resources in the future MFF, in order to meet the objectives of the Funds. In particular, the current size of ISF Border and Visa is no longer adequate to deal with the ongoing setting and upgrading of EU IT systems in the field. Similarly, on ISF Police, there is consensus that the current level of funding is low in relation to security needs.

On priorities, there is also consensus among the participants that both ISF Police and ISF Borders and Visa cover all important priorities in the area of security, borders and visa. It has been suggested by some participants to improve the current structure of objectives, and to better align the priorities included in the Annex of the Regulation with the priorities of the EU policy cycle.

Some participants believe that synergies with other funding instruments are not easy to identify and exploit. Since the scope of ISF is wide, checking for double funding creates a disproportionate burden for MSs. Moreover, in each policy area, there is often a different administrative set up at national level, and cooperation between national ministries and departments may be difficult.

Some issues have been identified regarding the flexibility of ISF. In terms of programming, the request from the Commission to clearly identify the share of expenses linked to each Specific Objective makes it too complex to have actions/projects supported under several Specific Objectives. As regards the de-commitment rule, participants raised concerns on the changes occurred during the implementation, concerning the calculation base to be used and the use of the expenditures as a basis for calculation. Furthermore, the current level of pre-financing is considered low and creates pressure on national budgets. Some participants consider that there is significant administrative burden related to the management and implementation of the Funds, in particular with regards to the number of audits and controls.

## **7. Survey addressed to customs administrations of Member States and Candidate Countries and the question of customs control equipment**

A general survey addressed the challenges and trends that customs would face in the coming years.

In particular, the results to the survey indicated that a majority of respondents – 17 out of 25 – currently recur to other programmes for funding equipment. The most common funding programme resorted to by customs administration is Hercule, with 11 respondents out of 25. Three respondents have also declared recurring to structural funds, two to ESF and one to IPA.

Most of the respondent declared, however, not having an easy access to other source of funding. The main obstacles reported by the respondents are related to complicated procedures or bureaucracy, internal competition or different priorities. A respondent also emphasized that these funds are not designed to support customs needs or only very partially.

#### **8. Case studies addressed to customs administrations of Member States and Candidate Countries and the question of customs control equipment.**

In the context of the impact assessment study conducted for setting up the future Customs programme, case studies in specific countries were conducted, addressing the protection of the various types of external borders (land, sea, air).

With regards to customs control equipment, the case studies pointed towards diverse challenges faced by the customs administrations in different EU Member States. These challenges range from the financing of 'hard' equipment, to the lack of data on availability or experience with equipment, procurement, maintenance as well as shared use of equipment.

The case studies have shown that whilst equipment needs in the context of CELBET (expert team under Customs 2020 for land border enhanced operational cooperation - Eastern and South Eastern Europe) supported the insights into equipment, there is a need for additional comprehensive study to provide insights on the size of the equipment related problems for other Member States and/or sea and air border specific perspectives. The changing trade landscape especially demands for a continuous monitoring of equipment availability, also to respond to new types of crises and threats, and support the broadening of roles and responsibilities of customs.

## Annex 3: Home Affairs Funds in the 2007-2013 and 2014-2020 Multiannual Financial Framework

Table 1 – Summary overview of the Home Affairs Funds in the 2007-2013 and 2014-2020 programming periods

General Programme	Policy area	Fund / Specific Programme Budget, Participation & Objectives	
		Previous Funds (2007-2013)	Current Funds (2014-2020)
<p>General Programme Solidarity and Management of Migration Flows</p> <p><i>(93% to 96% shared management; remainder under centralised direct management)</i></p>	Asylum	<p>European Refugee Fund (ERF III) EUR 614 million<sup>91</sup>, All MS except DK</p> <ul style="list-style-type: none"> <li>▪ Support and encourage MS in receiving refugees and displaced persons</li> <li>▪ Emergency measures to address sudden mass influx if migrants and asylum seekers</li> </ul>	<p>Asylum Migration and Integration Fund (AMIF) EUR 3 137 million (initial) All MS except DK</p> <ul style="list-style-type: none"> <li>▪ Strengthen and develop all aspects of the CEAS</li> <li>▪ Support legal migration to the MS and promote effective integration of third-country nationals</li> <li>▪ Enhance fair and effective return strategies and contribute to combating illegal immigration</li> <li>▪ Enhance solidarity and responsibility sharing between MS, particularly those most affected by the migratory flows</li> </ul>
	Integration of third-country nationals, legal migration	<p>European Fund for the Integration of Third-Country Nationals (EIF) EUR 825 million, All MS except DK</p> <ul style="list-style-type: none"> <li>▪ Support the integration of third-country nationals into European societies</li> </ul>	
	Return	<p>European Return Fund (RF) EUR 676 million, All MS except DK</p> <ul style="list-style-type: none"> <li>▪ Improve return management</li> <li>▪ Encourage development cooperation between MS and countries of return</li> </ul>	
	Integrated border management and visa	<p>External Borders Fund (EBF) EUR 1 820 million, All MS (including RO &amp; BG and the Schengen associated states from 2010) except the UK and IE</p> <ul style="list-style-type: none"> <li>▪ Financial solidarity amongst Schengen countries</li> <li>▪ Manage efficient controls and the flows at the external borders</li> <li>▪ Improve management of the consular authorities</li> </ul>	
<p>General Programme Security and Safeguarding Liberties</p> <p><i>(centralised direct management)</i></p>	Prevention of and fight against organised crime	<p>Specific Programme Prevention of and Fight against Organised Crime (ISEC) EUR 600 million, All MS</p> <ul style="list-style-type: none"> <li>▪ Crime prevention, law enforcement, witness protection and support, victims protection</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensuring a high level of security in the EU and facilitate legitimate travel</li> <li>▪ Visa and support integrated border management</li> </ul> <p>ISF Police All MS except DK and UK</p> <ul style="list-style-type: none"> <li>▪ Ensure a high level of security in the EU, fight against crime, manage risks and crisis</li> </ul>
	Combating terrorism and other security-related risks	<p>Specific Programme Prevention, Preparedness and Consequence Management of Terrorism and Other Security-related Risks (CIPS) EUR 140 million, All MS</p> <ul style="list-style-type: none"> <li>▪ Protection of citizens and critical infrastructure from terrorist attacks and other security incidents</li> </ul>	

<sup>91</sup> After adoption of EASO; takes account of Decision No 458/2010/EU amending the European Refugee Fund basic act.

## *Overview allocations AMIF and ISF*

Please find below the comparison between the original allocations to AMIF and ISF and the current allocations.

The funding available for AMIF and ISF originally amounted to EUR 6.9 billion for the 2014-2020 programming period. **As a response to the migratory and security crises** and to support the EU initiatives addressing these crises, the **financial programming for AMIF and ISF reached EUR 11.2 billion in the course of 2017**. Support for the Home Affairs Agencies in the 2014-2020 programming period increased from EUR 2.1 billion to EUR 4.1 billion<sup>92</sup>. Put in a broader context though, and considering that the overall value of the EU budget for the 2014-2020 programming period is approximately EUR 1 087 billion, the Home Affairs Funds only represent approximately 1%.

After taking into account the adjustment made to support the new tasks of the Home Affairs Agencies<sup>93</sup> in implementing ‘smart borders’ initiatives (EES, ETIAS, revision of SISII and interoperability), the level of funding for the two Funds amounts to EUR 10.8 billion<sup>94</sup>.

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<sup>92</sup> This support is provided directly to the Agencies, it is not part of the Funds.

<sup>93</sup> The transfer of funding mainly concerns the transfer to the European Agency for the operational management of large-scale IT Systems in the area of freedom, security and justice (eu-LISA) for the management of the EES, ETIAS and the interoperability of IT systems.

<sup>94</sup> Information based on the financial programming annexed to the Budget 2018.

Table 2 – Summary overview of the Home Affairs Funds in the 2014-2020 programming period (initial and current allocation)<sup>95</sup>

Fund		Initial budget	Current budget	Participation
Asylum, Migration and Integration Fund		EUR 3.137 billion (EUR 459.47 million for 2018 budget)	EUR 6.888 <sup>96</sup> billion (EUR 719.15 million for 2018 budget)	All EU Member States with the exception of Denmark.
Internal Security Fund	Borders and Visa	EUR 2.760 billion (EUR 453.23 million for 2018 budget)	EUR 2.764 billion (EUR 565.06 million for 2018 budget)	All EU Member States with the exception of Ireland and the United Kingdom, and with the participation of the Schengen Associated Countries <sup>97</sup> .
	Police	EUR 1.004 billion (EUR 133.93 million for 2018 budget)	EUR 1.135 billion (EUR 154.93 million for 2018 budget)	All EU Member States with the exception of Denmark and the United Kingdom.
Total Internal Security Fund		EUR 3.764 billion (EUR 587.16 million for 2018 budget)	EUR 3.900 billion (EUR 719.96 million for 2018 budget)	
<b>Total Home Affairs Funds</b>		<b>EUR 6.901 billion</b> <b>(EUR 1,046.64 million for 2018 budget)</b>	<b>EUR 10.788 billion</b> <b>(EUR 1,439.14 million for 2018 budget)</b>	

<sup>95</sup> Financial programming as of 31 January 2018, as annexed to the Budget 2018.

<sup>96</sup> Excluding the allocation to the AMIF national programme of the United Kingdom, the total allocation of AMIF would be approximately EUR 6.358 billion.

<sup>97</sup> Iceland, Liechtenstein, Norway and Switzerland.

## FUNDING UNDER THE AMIF AND ISF - 2014-2020\*



ASYLUM, MIGRATION  
AND INTEGRATION FUND (AMIF)



INTERNAL SECURITY FUND  
(ISF)



\*State of play: 18<sup>th</sup> October 2017

\*\*AMIF Emergency Assistance was awarded to the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Finland, France, Germany, Greece, Hungary, Italy, Netherlands, Slovenia and Sweden. ISF Emergency Assistance was awarded to the following countries: Belgium, Bulgaria, Croatia, France, Greece, Hungary, Italy and Slovenia.

More information: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/financial\\_support\\_to\\_rms\\_under\\_amif\\_and\\_isf\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/financial_support_to_rms_under_amif_and_isf_en.pdf)

Source European Commission



European Commission

# MANAGING MIGRATION EU Financial Support to Greece

March 2018

## Asylum, Migration and integration Fund/ Internal Security Fund/ Emergency Assistance

Addressing the refugee crisis and managing our external borders are top priorities for the European Union. The Asylum, Migration and Integration Fund (AMIF) supports Greek national efforts to improve reception capacities, ensure that asylum procedures are in line with Union standards, integrate migrants at local and regional levels and increase the effectiveness of return programmes. The Internal Security Fund (ISF) supports national efforts to achieve a uniform and high level of control of the external borders and to fight cross-border organised crime. To support the Greek authorities as well as international organisations and NGOs operating in Greece in managing the refugee and humanitarian crisis, the Commission has allocated over €393 million in emergency assistance since the beginning of 2015. The emergency funding comes on top of the €561 million already allocated to Greece under the national programmes for 2014-2020 (€322.8 million from AMIF and €238.2 million from ISF).

### Emergency support instrument

In urgent and exceptional circumstances, the European Commission can fund emergency humanitarian support for people in need within the European Union. The Emergency Support Instrument aims to provide a faster, more targeted way to respond to major crises. This includes helping Member States cope with large numbers of refugees, with humanitarian funding channelled to UN agencies, non-governmental organisations and international organisations in close coordination and consultation with Member States. Up to €700 million is planned over 2016-18; €401 million in funding for projects have been contracted to date.

*All numbers in this factsheet have been rounded rounded up or down.*



## ASYLUM, MIGRATION AND INTEGRATION FUND (AMIF)

The fund promotes the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration.



## INTERNAL SECURITY FUND (ISF)

The Fund promotes the implementation of the Internal Security Strategy, law enforcement cooperation and the management of the Union's external borders. The ISF is composed of two instruments, ISF Borders and Visa and ISF Police.

**National Programmes 2014 - 2020**  
(Long-term Funding)  
€561m (allocated)  
Disbursed: €153m

**Emergency Funding for Greece**  
€393m (allocated)  
Disbursed: €279m



## Long-term funding to Greece (allocations) 2014 - 2020



### Funding for emergency relocation mechanism



Greece will receive **€500** for the **transport costs of every relocated asylum seeker.**

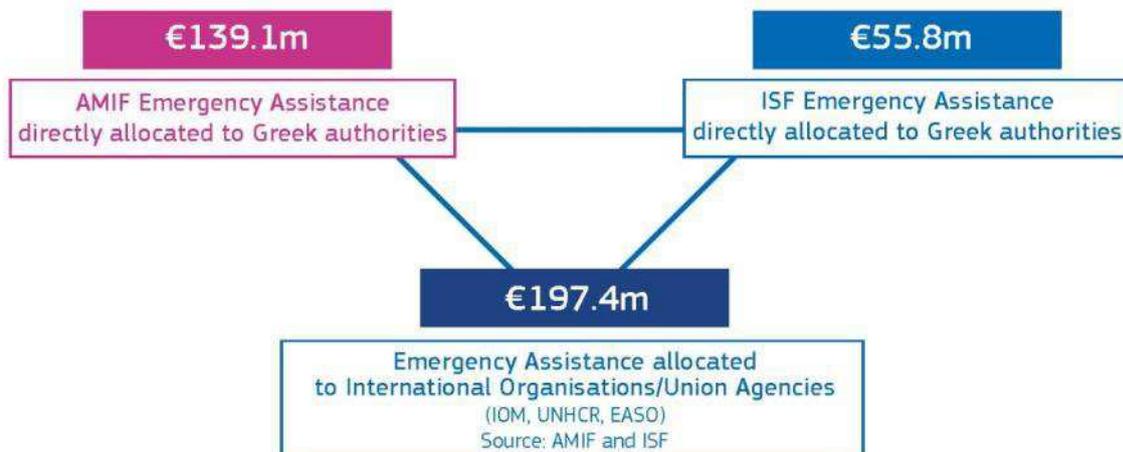
**€35.3 million** was allocated for the implementation of the Relocation & Resettlement mechanisms.

**€14 million** has been paid as pre-financing since February 2016

*\*these amounts are already included in the Greece AMIF National Programme*



### Emergency Funding (allocated)





# MANAGING MIGRATION EU Financial Support to Italy

January 2018

## Asylum, Migration and Integration Fund (AMIF)/ Internal Security Fund (ISF)/ Emergency Assistance

The better management of migration and protection of our external borders are top priorities for the European Union. For several years, Italy has been at the forefront in managing migration along the Central Mediterranean route. The Commission supports the Italian efforts to improve the situation by mobilising long-term and emergency funding. Since the beginning of 2015, the Commission has allocated €189 million in emergency assistance to the Italian authorities as well as international organisations and NGOs operating in Italy. This emergency funding comes on top of the €653.7 million already allocated to Italy under the national programmes for 2014-2020 (€387.70 million from AMIF and €266.02 million from ISF).

The Asylum, Migration and Integration Fund supports Italian national efforts to improve reception capacities, ensure that asylum procedures are in line with Union standards, integrate migrants at local and regional levels and increase the effectiveness of return programmes. The Internal Security Fund supports national efforts to achieve a high and uniform level of control of the external borders and to fight cross-border organised crime. Emergency assistance has been allocated to support the Italian Coast Guard with, amongst others, border surveillance and Search and Rescue operations, improving the reception capacities, in particular for unaccompanied minors legal, and legal and social counselling for migrants and refugees.

\*information as of January 2018

*All numbers in this factsheet have been rounded up or down.*



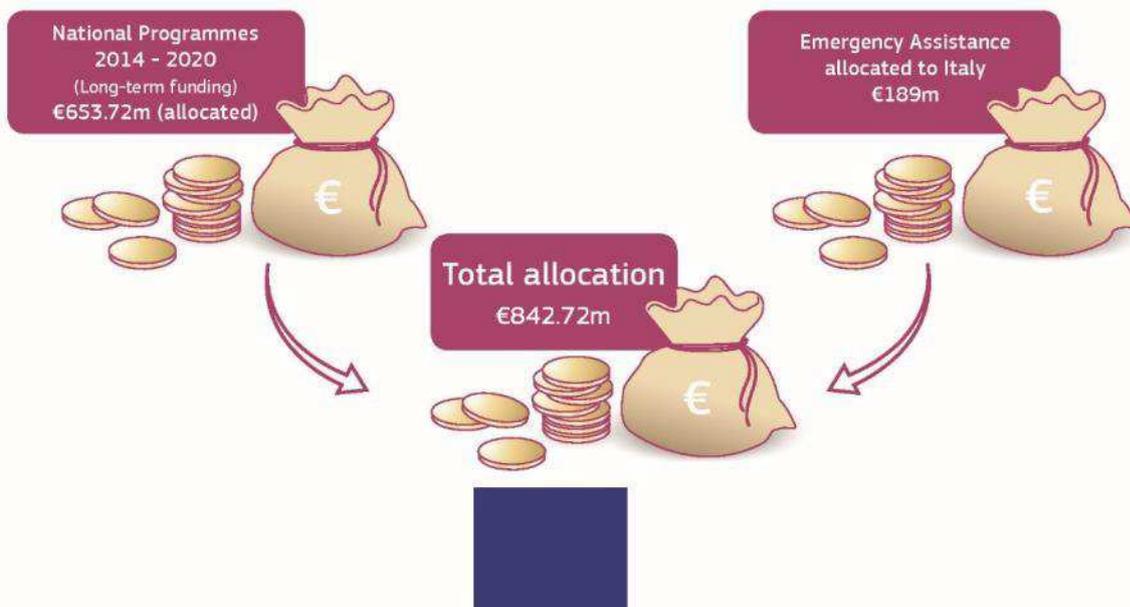
### ASYLUM, MIGRATION AND INTEGRATION FUND (AMIF)

The fund promotes the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration.



### INTERNAL SECURITY FUND (ISF)

The Fund promotes the implementation of the Internal Security Strategy, law enforcement cooperation and the management of the Union's external borders. The ISF is composed of two instruments, ISF Borders and Visa and ISF Police.



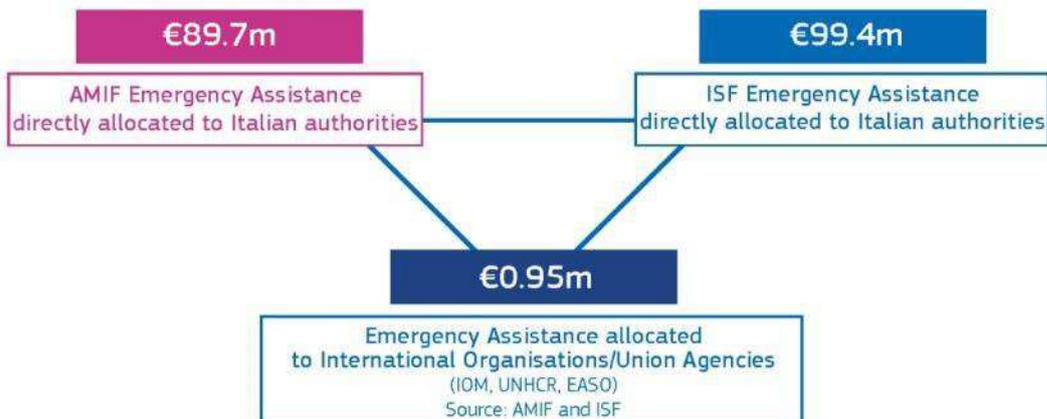
## Long-term funding to Italy (allocations) 2014 - 2020



### Funding for emergency relocation mechanism



### Emergency Funding





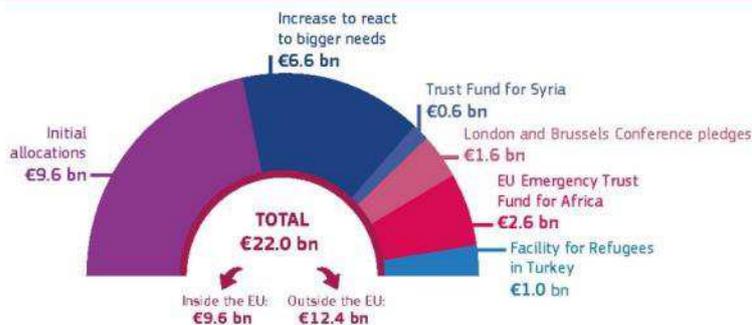
European  
Commission

# EU BUDGET FOR THE REFUGEE CRISIS AND IMPROVING MIGRATION MANAGEMENT

THE COMMISSION'S CONTRIBUTION  
TO THE LEADERS' AGENDA

#FutureofEurope #EURoad2Sibiu

**EU funding to meet the increased migratory challenges for the period 2015-2018  
has more than doubled to €22bn from the original allocation of €9.6 billion**



## EU funding inside and outside the EU for the period 2015-2018

### Planned funding inside the EU

AMIF (Asylum, Migration and Integration Fund), ISF (Internal Security Fund) and Emergency Support Instrument	€8.2 bn
Emergency funding	€1.8 bn
Long-term measures	€6.4 bn
Support to agencies and their operations	€1.4 bn
<b>TOTAL</b>	<b>€9.6 bn</b>

### Planned funding outside the EU

Humanitarian aid <sup>1</sup>	€3.5 bn
Support to border and migration management in Turkey and the Western Balkans	€0.3 bn
Support to livelihood opportunities, health, education for refugees and mobility policy	€0.8 bn
Return of refugees and displaced persons, aid and support to migrants, fight against root causes of migration <sup>2</sup>	€1.6 bn
Support to stabilisation and peace, security and border management of third countries	€0.4 bn
Trust Fund for Syria (MADAD Fund) <sup>3</sup>	€0.6 bn
Pledges from the London Conference in February 2016 and the Brussels Conference in April 2017 supporting the future of Syria and the region <sup>4</sup>	€1.6 bn
EU Emergency Trust Fund for Africa <sup>5</sup>	€2.6 bn
Facility for Refugees in Turkey (FRIT) <sup>6</sup>	€1.0 bn
<b>TOTAL</b>	<b>€12.4 bn</b>

<sup>1</sup>No conditionality can be attached to needs-based humanitarian aid, in line with the Humanitarian Principles.

<sup>2</sup>Development Cooperation Instrument (DCI) estimate of funds for migration from 2015-2018.

<sup>3</sup>Without contributions to FRIT and conference pledges channelled via Madad.

<sup>4</sup>Of which €820 million in humanitarian aid. The €1.6 bn reflects the actual implementation for 2015 and 2016 and estimates for 2017 and 2018.

<sup>5</sup>€2.3 bn comes from the European Development Fund, amount for 2015-2020.

<sup>6</sup>Of which €310 million in humanitarian aid.





**LONG-TERM FUNDING FOR 2014-2020**  
AMIF: €3.9 BN  
ISF: €2.3 BN

**EMERGENCY FUNDING AWARDED SO FAR:**  
AMIF: €616 M  
ISF: €276 M

### FINANCIAL SUPPORT TO MEMBER STATES UNDER THE ASYLUM, MIGRATION AND INTEGRATION FUND AND THE INTERNAL SECURITY FUND<sup>1</sup>

COUNTRY	LONG-TERM FUNDING 2014-2020			EMERGENCY FUNDING (AWARDED)		PAYMENTS LONG-TERM FUNDING 2014-2020 + EMERGENCY FUNDING
	AMIF ALLOCATION	ISF ALLOCATION	TOTAL AMIF + ISF ALLOCATIONS	AMIF EMERGENCY ASSISTANCE	ISF EMERGENCY ASSISTANCE	AMIF AND ISF
AUSTRIA	€93.3m	€28.2m	€121.5m	€20.8m		€59.3m
BELGIUM	€141.7m	€41.7m	€183.4m	€5m	€1.7m	€59.8m
BULGARIA	€19.4m	€77.2m	€96.6m	€39m	€13.8m	€120.9m
CROATIA	€26.3m	€57.4m	€83.7m	€12.4m	€4m	€28.8m
CYPRUS	€38.4m	€43.8m	€82.2m	€975.8m		€14.8m
CZECH REPUBLIC	€50.7m	€34.5m	€85.2m			€16.9m
DENMARK	N/A	€10.3m	€10.3m			€1.7m
ESTONIA	€14.5m	€37.1m	€51.6m			€25.1m
FINLAND	€68.8m	€55.2m	€124m	€8m		€60m
FRANCE	€496.5m	€186.9m	€683.4m	€8.9m	€2.7m <sup>2</sup>	€200.6m
GERMANY	€514.3m	€145.5m	€659.8m	€45.6m		€266.2m
GREECE	€322.8m	€217.7m	€540.5m	€125.8m	€56.2m	€270.6m
HUNGARY	€34.4m	€64.4m	€98.8m	€5.2m	€1.5m	€21.1m
ICELAND	N/A	€5.3m	€5.3m			N/A
IRELAND	€40.3m	€10.5m	€50.8m			€15.9m
ITALY	€391.5m	€252.7	€644.2m	€89.7m	€59.8m	€252.6m
LATVIA	€18.6m	€35.3m	€53.9m			€9.9m
LIECHTENSTEIN	N/A	€5m	€5m			N/A
LITHUANIA	€17.4m	€198.2m	€215.6m			€7.1m
LUXEMBOURG	€14.4m	€7.8m	€22.2m			€6.4m
MALTA	€20.3m	€75.9m	€96.2m			€16.3m
NETHERLANDS	€20.4m	€70.1m	€274.1m	€5.6m		€99.7m
NORWAY	N/A	€14.3m	€14.3m			N/A
POLAND	€122.4m	€11.8m	€240.4m			€49.4m
PORTUGAL	€65m	€41.2m	€106.2m			€23.4m
ROMANIA	€53.3m	€103.7m	€157m			€31.8m
SLOVAKIA	€15.9m	€25.9m	€41.8m			€7.1m
SLOVENIA	€19.9m	€42.6m	€62.5m	€5.3m	€4.9m	€20m
SPAIN	€400m	€269.7m	€669.7m			€185.1m
SWEDEN	€207.1m	€35.5m	€242.6m	€55m		€168.4m
SWITZERLAND	N/A	€18.9m	€18.9m			N/A
UNITED KINGDOM	€453.7m	N/A	€453.7m			€128.1m
UNHCR	N/A	N/A	N/A	€132.8m	€9.1m	€92.4m
IOM	N/A	N/A	N/A	€41.5m		€67.4m
EASO	N/A	N/A	N/A	€25m	€1.1m	€21m
EUROPOL	N/A	N/A	N/A		€3.7m	€43.7m
<b>TOTAL</b>	<b>€3,855.1m</b>	<b>€2,331.5m</b>	<b>€6,185.6m</b>	<b>€616m</b>	<b>€275.6m</b>	<b>€2,313.7m</b>

<sup>1</sup> Figures have been rounded up, or down where appropriate.

<sup>2</sup> The Emergency Assistance awarded to France under the Internal Security Fund consists of Emergency Assistance for ISF – Borders and Visa (€1,731,180,35) and Emergency Assistance for ISF – Police (€999,870)

## Overview Subsidies Home Affairs Agencies

Please find below the comparison between the original subsidies to the Home Affairs Agencies and the current level of subsidies.

Table 3 – Summary overview of the Home Affairs Agencies in the 2014-2020 programming period<sup>98</sup>

Home Affairs Agency	EU subsidy 2014-2020 (initial)	EU subsidy 2014-2020 (current)
European Border and Coast Guard Agency (EBCGA)	EUR 626.4 million (EUR 91.27 million for 2018 budget)	EUR 1,683.56 million (EUR 298.29 million for 2018 budget)
European Union Agency for Law Enforcement Cooperation (Europol)	EUR 656.54 million (EUR 94.8 million for 2018 budget)	EUR 753.02 million (EUR 120.38 million for 2018 budget)
European Union agency for law enforcement training (CEPOL)	EUR 62.16 million (EUR 9.13 million for 2018 budget)	EUR 62.34 million (EUR 9.22 million for 2018 budget)
European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)	EUR 574.19 million (EUR 85.72 million for 2018 budget)	EUR 1,079.78 million (EUR 200.67 million for 2018 budget)
European Asylum Support Office (EASO)	EUR 109.34 million (EUR 15.95 million for 2018 budget)	EUR 455.69 million (EUR 90.84 million for 2018 budget)
European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)	EUR 104.43 million (EUR 14.79 million for 2018 budget)	EUR 105.78 million (EUR 15.45 million for 2018 budget)
<b>Total</b>	<b>EUR 2,133.06 million</b> <b>(EUR 311.66 million for 2018 budget)</b>	<b>EUR 4,140.16 million</b> <b>(EUR 734.83 million for 2018 budget)</b>

<sup>98</sup>

Financial programming as of 31 January 2018, as annexed to the Budget 2018.

## Overview implementation AMIF and ISF national programmes

Table 4 – Implementation of AMIF and ISF national programmes

	<b>Asylum, Migration and Integration Fund</b>	<b>Internal Security Fund – Borders and Visa</b>	<b>Internal Security Fund – Police</b>
Request for payment of the annual balance <sup>99</sup> 2014/2015	EUR 100.59 million	EUR 47.01 million	EUR 15.59 million
Request for payment of the annual balance 2016 <sup>100</sup>	EUR 358.21 million	EUR 137.04 million	EUR 47.92 million
Request for payment of the annual balance 2017 <sup>101</sup>	EUR 604.56 million	EUR 186.61 million	EUR 94.93 million
<i>Total</i>	<i>EUR 1,063.36 million</i>	<i>EUR 370.66 million</i>	<i>EUR 158.44 million</i>
Committed by form of agreement at national level <sup>102</sup>	EUR 2,180.08 million	EUR 905.29 million	EUR 471.63 million
<b>Percentage of allocation<sup>103</sup></b>	<b>48.06%</b>	<b>49.81%</b>	<b>60.08%</b>

<sup>99</sup> As included in the Commission Implementing Decision on the clearance of accounts C(2016) 3504 final, in accordance with Article 45 of Regulation (EU) No 514/2014, covering the implementation period 1 January 2014 – 15 October 2015.

<sup>100</sup> As included in the Commission Implementing Decision on the clearance of accounts C(2017) 4490 final, in accordance with Article 45 of Regulation (EU) No 514/2014, covering the implementation period 16 October 2015 – 15 October 2016.

<sup>101</sup> As included in the requests by Member States for payment of the annual balance, in accordance with Article 44 of Regulation (EU) No 514/2014, covering the implementation period 16 October 2016 – 15 October 2017.

<sup>102</sup> As included in the Annual Implementation Reports by Member States, submitted in accordance with Article 54 of Regulation EU (No) 514/2014, presenting the level of commitments by form of agreement at national level as of 31 March 2018. For AMIF, data for Greece is as per 28 April 2017, for ISF Borders and Visa, data for Greece is as per 28 April 2017, for ISF Police, data for Greece is as per 28 April 2017 and data for Ireland is as per 1 December 2017.

<sup>103</sup> Compared to the total allocation to the national programmes at the time of submission of the information by Member States.

## Annex 4: Delineation of interventions in the post-2020 Multiannual Financial Framework

Overview of delineation between the Migration and Integration Fund and the future European Structural and Investment Funds<sup>104</sup>

Common areas of intervention	Future AMIF	ESF/EAFRD	Programming	Monitoring
Integration of third-country nationals	<p>Early stage integration (support services and assistance, civic orientation courses, etc.)</p> <p>Horizontal integration measures (integration strategies, capacity building, awareness raising, etc.)</p>	Medium to long-term integration	<ul style="list-style-type: none"> <li>Earmarking in the ESF regulation: <i>The percentage of the total ESF resources in each MS allocated to the integration of TCN should be at least equal to the percentage of the TCN in the population of each MS.</i></li> <li>For example, in Germany in 2016, percentage of TCN in the total population is 5.9% so the corresponding percentage from the total ESF allocated in the operational programme should be 6%.</li> <li>EAFRD will continue to intervene for social inclusion in rural areas. Those interventions will also benefit third-country nationals.</li> </ul>	<ul style="list-style-type: none"> <li>Common indicator in the ESF: number of third country nationals only i.e. participants directly benefiting from ESF intervention.</li> <li>Indicators should be aligned between AMIF and ESF to measure the same target group.</li> <li>Amounts committed and spent at MS level for integration of TCN in ESF should be tracked (e.g. through categories of intervention).</li> <li>EAFRD will monitor social inclusion interventions in rural areas.</li> </ul>

Relocation under Dublin	MS receives a 10 000 EUR lump sum per relocated applicant for international protection who is granted the status/rejected and needs to be returned (up to a year)	MS receives an amount of funding to cover the integration needs equivalent to 20,000 EUR for each applicant for international protection that has been granted a status. A simplified cost option, i.e. lump sum, could be used if justified under ESF.	<ul style="list-style-type: none"> <li>The lump sums should be implemented through ad-hoc top-ups to the national ESF allocations</li> <li>Proposed solution (in case of difficulties in implementation by ESF): Each year ESF can transfer to AMIF amount estimated by DG HOME based on MS reporting on the status and DG HOME will top up MS NPs</li> </ul>	N/A
<b>Common areas of intervention</b>	<b>Future AMIF</b>	<b>ERDF</b>	<b>Programming</b>	<b>Monitoring</b>
Infrastructure (reception/detention centres)	All the detention and reception infrastructure (as default)	In case of significant needs in a MS where AMIF funding is not sufficient	In the ERDF Regulation this type of infrastructure should be eligible	Categories of intervention to capture the amounts committed and spent in this field

Overview of delineation between the Internal Security Fund and the future European Structural and Investment Funds<sup>105</sup>

Common areas of intervention	Future Security Fund	ESIF	Programming	Monitoring
<b>ERDF</b>				
<b>Earmarking in the ERDF regulation for security: YES</b>				
Cyber security	protection of critical infrastructure from cyber attacks  prevent and combat cybercrime	Security deployment and development of ICT including (cyber)security  Cyber protection of transport/energy/environment/ICT networks and transport hubs	ERDF policy objective N° 1 Smarter Europe,  ERDF policy objective N° 3 More connected Europe  Requirement to take into consideration security aspects in the design and construction of any infrastructure	Common Indicators in ERDF regulation:  N° of ICT systems fulfilling either pertinent cyber-security standards on which a cyber-security audit has been performed that indicated sufficient resilience to cyberattacks  N° of ICT specialists trained  N° of end-users trained  N° of public transport networks and infrastructure with improved protection measures  Financial monitoring through categories of intervention
public spaces	projects on innovative integration of security into design of new building/public space (excluding	construction and security equipment	ERDF policy objective N° 5 Europe closer to citizens	Common Indicators in ERDF regulation:

<sup>105</sup> Overview prepared at technical level by the respective Commission services.

	<p>building cost)</p> <p>purchase of CCTV, concrete bollards and other preventive equipment such as cyber-attack resilient ICT-systems</p>		<p>Requirement to take into consideration security aspects in the design and construction of any infrastructure</p>	<p>N° of public spaces and related infrastructures (such as transport hubs, shopping malls, public square or pedestrian zones) with improved protection measures</p> <p>N° of critical infrastructures with improved protection measures (understood as an asset, system or part thereof located in a Member State which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions).</p> <p>Financial monitoring through categories of intervention</p>
<p>construction and refurbishment of security and border management relevant buildings</p> <p>resilience against CBRNE incidents</p>	<p>'centre of excellence' training facilities where other MS will be invited to train (e.g. special force training hangar or shooting range, CBRNE training ground)</p> <p>refurbishment of existing buildings to make them qualified to house security and border management large-scale IT-systems</p> <p>construction CBRNE/forensic laboratories, treatment facilities,</p>	<p>In case of significant needs in a MS where ISF funding is not sufficient</p>		<p>Common Indicators in ERDF regulation:</p> <p>N° of security relevant laboratories and training facilities equipped with the help of the fund</p>

	training grounds			
border management	construction, upgrading and maintenance of BCP	construction of 'enablers' around BCPs, for example extra road lanes	ERDF policy objective N° 3 More connected Europe	Common indicators in ERDF Regulation:  N° of infrastructure projects contributing to facilitating smoother border crossings
<b>ESF</b>				
Protection of victims of crime	limited assistance to specific target groups linked to serious crimes with a cross-border dimension such as terrorism, organised crime, cybercrime	Assistance and protection of victims e.g. medical, psychological treatment, counselling, and appropriate communication technology for their protection during criminal proceedings  safe accommodation for victims of crime such as of trafficking in human beings	ESF policy objective N° 4 More social Europe	Common Indicators in ESF regulation/  N° of victims assisted with the help of the fund
capacity building for law enforcement, prosecution and judiciary including cross-border investigations	training, staff exchanges, networking	In case of significant needs in a MS where ISF funding is not sufficient	ESF policy objective N° 4 More social Europe	
<b>ERDF and ESF</b>				
Anti-radicalisation	measures focusing on root causes of radicalisation  networks to exchange best	ESF/integration measures:  inclusive education for vulnerable groups	ESF policy objective N° 4 More social Europe  ERDF policy objective N° 5 Europe	Common Indicators:  Number of ex-offenders re-employed with the support of the

	<p>practices e.g. RAN</p> <p>operational projects between MS and with third countries</p> <p>operations with Europol's IRU to remove violent extremism content online</p>	<p>reintegration of offenders into society, to enhance employability of ex-offenders, social follow-up of children raised in a radicalised environment/with parents and/or relatives in prison and families of offenders</p> <p>identification and analysis of drivers and social patterns of the radicalisation process at local level (mappings, reports, analysis)</p> <p>ERDF:</p> <p>regeneration of deprived communities</p> <p>Reduction of inequalities</p> <p>Increased quality of life</p> <p>identification and analysis of drivers and social patterns of the radicalisation process in particular at local level</p>	<p>closer to citizens</p>	<p>fund</p> <p>Number of best practices regarding prisoners and ex-offenders' reintegration and at improving transition from prison into the labour market and society</p> <p>Number of children and family members assisted</p> <p>number of social mappings, reports and analyses</p>
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### *1. General context*

Integration is currently funded by a variety of EU Funds, among which AMIF is the only Fund targeting specifically third-country nationals. Other Funds, in particular ESIF Funds but also Erasmus+ are intervening in their respective domains (employment, education, infrastructure, etc.) but without having the integration of third-country nationals as specific or priority target group.

The large influx of third-country nationals to the EU since 2014 has triggered additional needs for integration support in Member States. As integration is a long-term process, the need for investing in this area will continue or even increase over the 2021-2027 period. In such a context, complementarities between the different funding instruments in this area are essential in order to ensure a strong and consistent support to Member States for the development and implementation of their integration policy.

### *2. Proposed principles of intervention of EU Funds in the field of integration and delineation criteria between the future AMIF and ESIF Funds*

#### *2.1 Principles of intervention*

The groups that are the most in need of integration support will remain in the years to come asylum applicants / beneficiaries of international protection and family migrants (largest group). These two groups have very specific needs in terms of integration and a specific funding to the benefit of these groups, such as the one existing currently under AMIF, will continue to be highly necessary, in particular at an early stage of the integration process.

The suggested approach would combine interventions by the future AMIF and other EU Funds as follows:

- a) dedicated funding for actions specifically targeting third-country nationals in the early integration phase as well as for horizontal measures supporting MS policies and strategies (ensured by the future AMIF);
- b) interventions in different thematic areas for longer term measures, which are not necessarily specific only to third-country nationals and that would be mainstreamed - subject to guaranteeing such expenditure by dedicated envelopes/relevant benchmarks/specific earmarking - under ESIF and other EU Funds.

#### *2.2 Delineation criteria between AMIF and ESIF Funds*

Following the principle above, the future AMIF instrument should finance integration actions responding to the following criteria:

1. They are tailor-made to the needs of third-country nationals and are generally implemented in the early stage of integration;

2. They are of a horizontal/broad nature, covering in a general manner the key components of integration at the early stages; this means that they cannot concern only specific individual themes such as education or integration into the labour market; the latter should be covered by another EU Fund (such as ESF and Erasmus+<sup>106</sup>);
3. They are horizontal actions supporting Member States capacities in the field of integration (including cooperation and mutual learning activities between MS).

In the light of the above criteria, measures benefitting directly to third-country nationals would be funded under AMIF only in relation to the early stage of integration [to be further discussed if any time limit is included]. Medium to long term thematic integration interventions would then be fully mainstreamed into ESIF and other Funds, with measures and actions that can cover both EU citizens and third-country nationals.

On the other hand, general/horizontal integration measures such as capacity building, exchanges with the host society, awareness raising campaigns or cooperation/mutual learning activities between Member States on the integration of TCNs would continue to be financed under AMIF. Due to their horizontal and not time-bound nature these actions would not be mainstreamed into other specific Funds.

A mapping of the current possible interventions of ESIF Funds for integration and a detailed list of activities to be financed under the future AMIF is included in the annex.

### *2.3. Specific needs of applicants/beneficiaries relocated amongst MS following implementation of the Dublin reform*

The Commission has presented a proposal to reform the Dublin system that includes a relocation component (applicants for international protection relocated from Member States under particular pressure to other Member States). Ongoing negotiations include a significant financial incentive that would support Member States in accepting and implementing the relocation system. It is not envisaged to link the incentive to any specific costs, but to rather use it for covering a variety of needs in the Member States showing solidarity by accepting to receive relocated applicants. Such costs could relate to increasing the processing capacity of the Member States for examining the applications for international protection, improving reception conditions, facilitating the integration of those recognised to be in need of international protection as well as the return of those who prove not to have international protection needs. The financial incentives provided for applicants who need to be integrated after should be significantly higher than those provided for applicants who will in the end be returned.

It is likely that the financial incentive will become a determinant factor for the final compromise on the Dublin text, and a significant financial envelope will therefore need to be reserved for this purpose. In this context, one possibility is to ensure that a part of the financial incentive is covered by future AMIF, and a part by future ESIF funds. The future AMIF could provide a dedicated financial incentive until the person is granted or

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<sup>106</sup> While noting that the future Erasmus+ cannot fund large-scale national integration activities.

refused the international protection status (this could correspond to roughly one year following the relocation). ESIF funds should kick off with a dedicated financial envelope to cover the medium/longer integration needs of those relocated and recognised to be in need of international protection (this could correspond to years 2 and 3). All these parameters might of course change in the course of the negotiations but it is already clear that both AMIF and Structural Funds will need to intervene with significant amounts.

*3. Guaranteeing expenditure under other EU funds on integration of TCNs and ensure effective implementation*

In this scenario where it is envisaged to mainstream a substantive part of the financing for integration of TCNs into ESIF and other EU Funds, it is necessary to include safeguards to ensure that the overall EU support for such integration remains significant and address the increasing MS' needs.

For ESIF Funds and other Funds to effectively intervene for the integration of TCNs in full synergy with the future AMIF, it would be necessary to:

- Provide for a form of earmarking in ESIF Funds to ensure that a certain amount of Funds is actually used by Member States for the integration of third-country nationals. This could be done at the level of the Fund, with additional flexible funding for which Member States would bid or as part of the operational programme (% or target) at the level of operational programmes. Other means of guaranteeing such expenditure could also be explored;
- Trace expenditure which is benefitting third-country nationals with an adequate reporting system;
- Align provisions and rules as much as possible between ESIF Funds and future AMIF;
- Have a single information point at Member State level for access to integration funding, to make the access to EU funding for integration easier and more transparent.

## Annex 5: Objectives of the Funds

### Asylum and Migration Fund

#### *Objectives of the Asylum and Migration Fund*

##### *Policy Objective*

To contribute to an efficient management of migration flows in line with the Union *acquis* on asylum and migration and in compliance with the Union's commitments on fundamental rights.

##### *Specific Objective*

Strengthen and develop all aspects of the **Common European Asylum System, including its external dimension.**

*Implementation measures* under this Specific Objective:

1. Ensuring a uniform application of the Union *acquis* and of the priorities related to the Common European Asylum System.
2. Supporting the capacity of Member States' asylum systems as regards infrastructures and services where necessary.
3. Enhancing solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migratory flows, as well as providing support to Member States contributing to solidarity efforts.
4. Enhancing solidarity and cooperation with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries for the purpose of managing migration.

##### *Specific Objective*

**Support legal migration** to the Member States **and contribute to the integration of third-country nationals.**

*Implementation measures* under this Specific Objective:

1. Supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration *acquis*.
2. Promoting early integration measures for the social and economic inclusion of third-country nationals, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities and civil society organisations.

##### *Specific Objective*

To contribute to **countering irregular migration** and **ensure sustainability of return and effective readmission in third countries.**

*Implementation measures* under this Specific Objective:

1. Ensuring a uniform application of the Union *acquis* and policy priorities regarding infrastructures, procedures and services.
2. Supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective and sustainable return and reducing incentives for irregular migration.
3. Supporting assisted voluntary return and reintegration.

4. Strengthening cooperation with third countries and their capacities to implement readmission agreements and other arrangements, and enable sustainable return.

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## **Integrated Border Management Fund – Border Management and Visa**

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### *Objectives of the Integrated Border Management Fund – Border Management and Visa*

#### *Policy Objective*

Contribute to guaranteeing a high level of security in the Union by ensuring strong and effective integrated border management while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights.

#### *Specific Objective*

Supporting effective **European integrated border management** implemented by the **European Border and Coast Guard** to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows.

#### *Implementation measures under this Specific Objective:*

1. Improving border control in line with Article 4(a) of Regulation (EU) 2016/1624 by:
  - a) reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to prevent and detect cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism;
  - b) supporting search and rescue in the context of carrying out border surveillance at sea;
  - c) implementing technical and operational measures within the Schengen area which are related to border control;
  - d) carrying out analyses of the risks for internal security and analysis of the threats that may affect the functioning or security of the external borders;
  - e) supporting, within the scope of this Regulation, Member States facing existing or potential disproportionate migratory pressure at the EU's external borders, including through technical and operational reinforcement, including by deploying migration management support teams in hotspot areas.
2. Further developing of the European Border and Coast Guard, through common capacity-building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency.
3. Enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices and agencies or third countries, on the other.
4. Ensuring the uniform application of the Union *acquis* on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) No 2016/1624, and possible national quality control mechanisms;
5. Setting up, operating, and maintaining IT systems in the area of border management, including the interoperability of these IT systems and their communication infrastructure.

### *Specific Objective*

Supporting the **common visa policy** to facilitate legitimate travel and prevent migratory and security risks.

*Implementation measures* under this Specific Objective:

1. Providing efficient and client-friendly services to visa applicants while maintaining the security and integrity of the visa procedure.
2. Ensuring the efficient and uniform application of the Union's *acquis* on visas, including the further development and modernisation of the common policy on visas.
3. Developing different forms of cooperation among Member States in visa processing.
4. Setting up, operating and maintaining IT systems in the area of the common visa policy, including the interoperability between these IT systems and their communication infrastructure.

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## **Integrated Border Management Fund – Customs Control Equipment**

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### *Objectives of the Customs Control Equipment Fund*

#### *Policy Objective*

Support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from unfair and illegal trade while facilitating legitimate business activity.

#### *Specific Objective*

Contribute to adequate and equivalent customs controls through the purchase, maintenance and upgrade of relevant, state-of-the-art and reliable customs control equipment.

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## **Internal Security Fund**

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### *Objectives of the Internal Security Fund*

#### *Policy Objective*

Contribute to ensuring a high level of security in the Union, in particular by tackling terrorism and radicalisation, serious and organised crime and cybercrime, and by assisting and protecting victims of crime.

#### *Specific Objective*

To increase the **exchange of information** among and within the EU law enforcement and other competent authorities and other relevant Union bodies, as well as with third countries and international organisations.

*Implementation measures* under this Specific Objective:

1. Ensure the uniform application of the Union *acquis* on security supporting information exchange, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms.
2. Set up, adapt and maintain security relevant national and Union IT systems and communication networks, including their interoperability, and to develop appropriate tools to address identified gaps.

3. Increase the active use of national and EU security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data.

*Specific Objective*

To intensify **cross-border joint operations** among and within the EU law enforcement and other competent authorities **in relation to serious and organised crime** with a cross-border dimension.

*Implementation measures* under this Specific Objective:

1. Increase law enforcement operations between Member States, including when appropriate with other relevant actors, in particular to facilitate and improve the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations.
2. Increase coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres.
3. Improve inter-agency cooperation at national level among the national authorities in each Member State and at Union level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices and agencies, on the other.

*Specific Objective*

To support effort at **strengthening the capabilities to combat and to prevent crime** including terrorism, in particular through increased cooperation.

*Implementation measures* under this Specific Objective:

1. Increase law enforcement training, exercises, mutual learning, specialised exchange programmes and sharing of best practice including in and with third countries and other relevant actors.
  2. Exploit synergies by pooling resources and knowledge among Member States and other relevant actors through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations.
  3. Promote and develop measures, safeguards, mechanisms and best practices for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect.
  4. Acquire relevant equipment and set up or upgrade specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats.
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In order to allow for a comparison with the objectives of the Funds in the 2014-2020 programming period, please find an overview of these objectives below.

## **Asylum, Migration and Integration Fund**

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### *Objectives of the Asylum, Migration and Integration Fund*

#### *General Objective*

Contribute to the efficient management of migration flows and to the implementation, strengthening and development of the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy, while fully respecting the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

#### *Specific Objectives*

- 1) To strengthen and develop all aspects of the Common European Asylum System, including its external dimension.
  - 2) To support legal migration to the Member States in accordance with their economic and social needs, such as labour market needs, while safeguarding the integrity of the immigration systems of Member States, and to promote the effective integration of third-country nationals.
  - 3) To enhance fair and effective return strategies in the Member States which contribute to combating illegal immigration, with an emphasis on sustainability of return and effective readmission in the countries of origin and transit.
  - 4) To enhance solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migration and asylum flows, including through practical cooperation.
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## **Internal Security Fund – Borders and Visa**

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### *Objectives of the Internal Security Fund – Borders and Visa*

#### *General Objective*

To contribute to ensuring a high level of security in the Union while facilitating legitimate travel, through a uniform and high level of control of the external borders and the effective processing of Schengen visas, in compliance with the Union's commitment to fundamental freedoms and human rights.

#### *Specific Objectives*

- 1) Supporting a common visa policy to facilitate legitimate travel, provide a high quality of service to visa applicants, ensure equal treatment of third-country nationals and tackle illegal immigration.
- 2) supporting integrated border management, including promoting further harmonisation of border management-related measures in accordance with common Union standards and through the sharing of information between Member States and between Member States and the Frontex Agency, to ensure, on one hand, a uniform and high level of control and protection of the external borders, including by the tackling of illegal immigration and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis, while guaranteeing access to international protection for those needing

it, in accordance with the obligations contracted by the Member States in the field of human rights, including the principle of *non-refoulement*.

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## **Internal Security Fund - Police**

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### *Objectives of the Internal Security Fund - Police*

#### *General Objective*

To contribute to ensuring a high level of security in the Union.

#### *Specific Objectives*

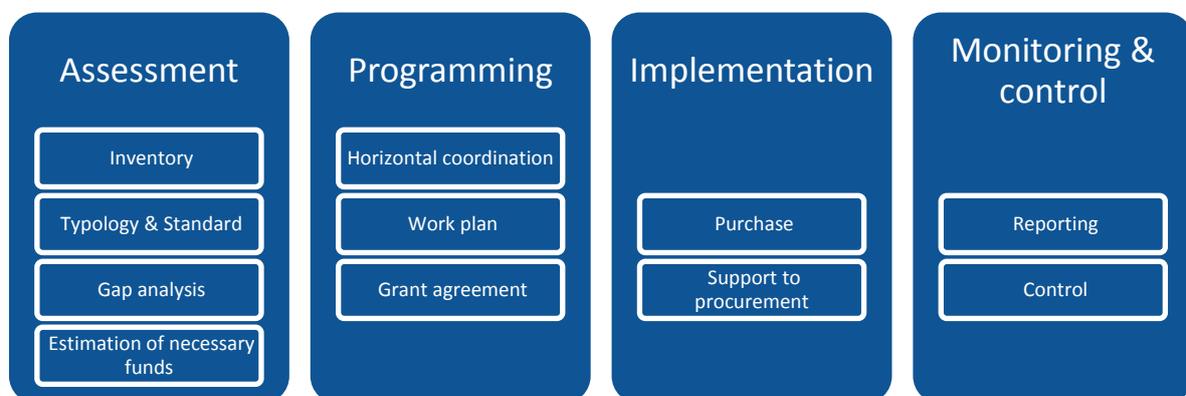
- 1) Crime prevention, combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities and other national authorities of Member States, including with Europol or other relevant Union bodies, and with relevant third countries and international organisations.
  - 2) enhancing the capacity of Member States and the Union for managing effectively security-related risks and crises, and preparing for and protecting people and critical infrastructure against terrorist attacks and other security-related incidents.
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## ANNEX 6: Overall design of the new Customs Control Equipment component

In-depth analysis and comparison of the benefits and drawbacks of the various management modes allowed identifying **direct management – through the provision of centrally coordinated grants to national authorities where ownership of equipment remains with these national authorities – as the preferred delivery mechanism** of the new Customs Control Equipment component for the reasons explained in section 4.1.1. This annex presents the proposed overall design of this component.

As a new field of EU intervention, it will be of utmost importance to **ensure focus and delivery** of the Customs Control Equipment component. Also, **policy choices** will be needed before deploying completely the actions: whereas an ongoing Customs 2020 programme activity allowed taking stock of the situation at the EU external land frontier and mapping it in terms of presence of customs officers and available equipment for all BCPs concerned, only limited information is currently available for sea and air borders and for postal hubs.

Against this backdrop, a dedicated **model tailored to the specific circumstances and needs** of the Customs Control Equipment instrument has been designed. It builds on the requirement of a central coordination – beyond national borders for delivering uniform customs application – rooted deeply in national expertise and experience. Four building blocks corresponding to the four identified steps will help to deliver on the identified general and specific objectives:



The **first step** will consist in **assessing the needs** at each border type: land, sea, air, postal hubs. Concretely, it will replicate the successful CELBET experience to all other border types. CELBET<sup>107</sup> – Central and South-Eastern Land Border Expert Team – is a structured form of enhanced operational cooperation between all 11 Member States at the EU land border. Led by one Member States (Estonia in the case at hand), it pools resources of the national customs authorities over a period of 18 months with the financial support of the C2020 programme to work on 6 different topics, including one team dealing with “Customs equipment and procurement” (EQ Team).



CELBET EQ Team made an inventory of equipment at the EU land border by processing more than 9200 data fields from 172 BCPs at EU land border and identifying the main characteristics of BCPs. Building on this extensive knowledge, it proposed a typology of BCPs (e.g. road vs rail border crossings, with truck traffic or only with non-commercial traffic) and identified jointly the proposed equipment standards for each category. A gap analysis between the inventory and defined standards allowed estimating the necessary funds.

Although no equivalent detailed assessment of the situation and needs exists for other border types, project groups also funded by the C2020 programme – RALFH, ODYSSUD, ICARUS or the Technology Detection Group – exist and the replication of CELBET to other borders should build on their expertise and experience.

The **second step** will focus on **programming**. The key outputs will be the work programme and corresponding grant agreements. As one separate assessment will be available for each border type further to the work of the respective expert teams, drafting the work programme will not be limited to checking eligibility but rather extend to organising the allocation of funds in line with customs priorities, threats and volumes. The experience and knowledge of the existing RIMSCO (Risk Management Strategy Implementation Coordination Group<sup>108</sup>) could support the work of the Commission in this respect. Also, policy choices – supported by comitology procedure – will be required at the time of adoption of the work programme.

The **third steps** will be **implementation**. Once grant agreements have been signed, Member States will be able to source equipment in line with the contractual conditions. All standard procedures will apply and EU support – e.g. through examining means of supporting joint procurement – remains possible.

The fourth and final step will consist in **monitoring and control**. The control strategy will be tailored to the low risk profile associated to the financial transactions in view a.o. of the specific identity of the beneficiaries, i.e. customs authorities of the Member States.

<sup>107</sup>

[https://ec.europa.eu/taxation\\_customs/expert-teams-europa\\_en](https://ec.europa.eu/taxation_customs/expert-teams-europa_en)

<sup>108</sup>

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3305>

## **Annex 7: Performance indicators for the mid-term review**

Please find below an overview of key performance indicators that are tentatively to be used for the performance element of the mid-term review of the national programmes.

### **Asylum and Migration Fund**

1. Number of persons resettled.
2. Number of persons relocated.
3. [Key performance indicator related to the integration of third-country nationals.]
4. Number of returnees.

### **Integrated Border Management Fund – Border Management and Visa**

1. Number of consulates developed or upgraded with the help of the Instrument out of the total number of consulates.
2. Number of staff trained and number of training courses in aspects related to the common visa policy with the help of the Instrument.
3. Border control infrastructure, transport means and other equipment items financed with the help of the Instrument.
4. Number of staff trained in aspects related to the integrated border management with the help of the Instrument.

### **Internal Security Fund**

1. Number of law enforcement officials trained in the areas of terrorism, organised crime and cybercrime.
2. [...].