

## **BACKGROUND NOTE**

### **Information on the overall outcome of the policy dialogues in the framework of the preparation for programming of the Home Affairs Funds 2014-2020**

*Information from the Commission to the European Parliament in accordance with Article 13 of the Horizontal Regulation*

*In view of the LIBE Committee meeting of 6 March 2014, the present note aims to provide the Members of the LIBE Committee with relevant information about the overall outcome of the policy dialogues under the new Home Affairs Funds 2014-2020.*

#### **1. Context**

Among the innovations built into the new Home Affairs Funds – the Asylum, Migration and Integration Fund and the Internal Security Fund – is the move from the former system of annual national programmes to one of multiannual national programmes covering the whole Multiannual Financial Framework period. Another innovation is that the programming phase is preceded by a single senior-level policy dialogue on home affairs priorities and funding between the Commission and the individual Member States or, in the case of some parts of the Internal Security Fund, the Schengen associated states, prior to the submission of their multiannual programmes.

The objective of the policy dialogue was to foster joint understanding of individual baseline situations and needs (“gaps analysis”) and identify funding priorities of each country in order to:

- give a strategic and political orientation (“results-oriented” and “added value”) to the future use of funding with the aim to achieve the key EU Home Affairs policy objectives and
- facilitate the preparation, negotiation and approval of the national multiannual programmes.

In total, 32 policy dialogues took place, namely 28 with the Member States and 4 with the Schengen Associated states (Iceland, Liechtenstein, Norway and Switzerland). They were carried out as of early June and completed by mid-November last year. The outcome of the policy dialogue with each country is recorded in agreed minutes. Due to the delay in the adoption of the basic acts, i.e. the four Regulations, the agreed minutes also include the date for the submission of the draft national programmes, in principle three months following the policy dialogue, to allow for timely approval of national programmes.

Following the conclusion of the policy dialogues and pending the adoption of the four Regulations by the European Parliament (vote in EP Plenary of 10-13 March), the preparatory work for the future implementation of these new Funds is in full swing.

Once the four Regulations and relevant implementing and delegated acts are adopted, in particular the one establishing the template for the national programmes, the national programmes will be submitted formally; this is expected as of June 2014. A total of 58

national programmes for both, the Asylum Migration and Integration Fund (27) and the Internal Security Fund (31), are to be submitted by Member States and Schengen associated countries for approval by the Commission. The latter will most likely start as of the 4th quarter 2014.

In order to prepare the framework for the elaboration of the draft national programmes and ensure timely implementation of the new Home Affairs Funds, the policy dialogues had to be carried out in parallel with the on-going negotiations of the four Regulations. Member States were informed that the final result of the negotiations will have to be taken into account when drafting their national programmes. In particular, for policy dialogues which took place at the end of 2013, the attention of Member States was drawn to the obligation to comply with the minimum percentages which were introduced in the basic acts at the end of the negotiations. 'Comply or explain' rule was also communicated to all Member States in late 2013 and recalled during the informal expert group's meeting organized for the preparation of delegated/implementing acts, namely on 5 February 2014.

## **2. Overall outcome**

The policy dialogues proved to be a reciprocally enriching experience for both the Commission and the Member States as they allowed for a better common understanding of the national baseline situations and needs, on the one hand, and of the overall EU level policy priorities in the area of home affairs, on the other hand.

Following the Commission's preliminary gap analysis of individual national situations in the respective fields of home affairs<sup>1</sup>, Member States were encouraged to identify within their national policy frameworks those areas that could be proposed for EU home affairs funding. On this basis, Member States are to develop a strategic approach in the preparation of their multiannual programmes moving towards fostering a stronger link between EU funding and EU policy objectives and priorities.

Bilateral discussion with each country also focused on desired outcomes and results to be achieved with the support of the EU funding in the context of national strategies for asylum, migration and security. Particular attention was put on how these outcomes and results will be monitored and evaluated, namely using the appropriate indicators (common and programme specific).

Preparation for the dialogues on the side of the Commission involved contacts and cooperation with the Home Affairs agencies with the view to make the best use of their expertise and knowledge of each country in the area falling under their remit. Frontex and EASO also participated in some of the dialogues. Valuable input to the preparation of the policy dialogues were also obtained through informal consultations with the most important non-governmental and international organisations.

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<sup>1</sup> The policy dialogues were prepared through written exchanges with the Member States where key issues to be discussed between the Commission and the Member States were already identified by the Commission and the Member State.

The dialogues took place in a good atmosphere with the Member States' side showing openness and willingness to engage in discussions on all issues. The level of discussions showed that Member States took the preparation seriously. Relevant national administrations were represented at an adequate level allowing for exchange of views and decision making on strategic policy orientations.

Some of the Member States need to develop a comprehensive strategic approach in order to set specific funding priorities, in particular in the area of police cooperation where shared management (national programme) is a novelty. Member States were encouraged to fully align their actions under their national strategies with the EU level home affairs policy priorities, so to avoid fragmentation and keep the critical mass.

Policy dialogues proved to be a valuable occasion to gather a preliminary overview on the Member States' intentions to engage in Specific Actions for which they can get top-up funding. These are mainly actions requiring joint efforts by Member States such as setting up consular cooperation, including common visa application centres or other forms of pooling resources, purchasing equipment for running joint operations by Frontex, joint return operations, joint reintegration projects, etc. Overall, most Member States did not express clear ideas and were encouraged to submit detailed proposals in the programming phase.

From informal feedback, Member States confirmed their positive perception of the policy dialogues which according to them were a very useful step preceding the actual preparation of their programmes. In particular, the dialogues were seen to encourage national administrations to cooperate, coordinate upfront and start the reflection on the strategic objectives and funding priorities. They also appreciated that it could contribute to strengthening the credibility of using EU funding across the EU and improve their trust in a better and more effective spending across the Member States.

Although involvement of partners was not necessary for the preparation of the policy dialogues, a number of Member States carried out consultations with relevant partners already at that stage which is very positive.

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

The specific needs of the Member States derive from their situation in terms of migratory flows as well as from their geographical position. Another aspect determining the needs of a given country is its historical experience and tradition in dealing with migration and integration issues. Three groups of Member States could be identified.

The first group are those Member States with well-developed asylum systems although facing strong migratory pressures due to secondary movements or for being main recipients of asylum seekers. The key for them is to focus on providing services with particular attention to vulnerable groups. They should continue putting efforts to optimise their asylum procedures and, where appropriate, to enhance their reception capacities. These countries usually have fully-fledged integration strategies including regional and local components. They are encouraged to facilitate the access of third-country nationals, including beneficiaries of

international protection, to the labour market and facilitate their educational integration. Regarding management of irregular migration, they have well-established return policies encompassing both components, forced and voluntary.

The second group are those Member States with asylum systems in the development stage although not facing major migratory pressures because of being 'less attractive' immigration destinations due to the lack of migrant's communities and the "low social benefits". These countries need to strengthen the asylum procedures as well as the quality and speed of the decision making process, improve reception conditions and integration services. They are usually in the stage of putting in place national integration strategies which often lack regional or local dimension. They also need to build capacities at all levels of administration dealing with integration issues. As regards the management of irregular migration, they need to further improve their detention conditions in line with EU standards and develop alternatives to detention for both, asylum seekers and irregular migrants.

The third group are those Member States with weak asylum systems and reception conditions facing serious difficulties and strong migratory pressure. They are struggling to comply with the EU standards and need to take actions in order to upgrade and develop their asylum systems and improve reception conditions to better face the emergency situations of heavy migratory pressure. They also need to make considerable efforts in improving quality and speed of asylum procedures. In the area of irregular migration, strong focus is placed on forced return. They need to aim at more effective and sustainable return policies with a stronger emphasis on voluntary returns and reintegration in the countries of origin. These Member States often require additional financial and technical support from the EU.

All Member States were encouraged to develop and strengthen their monitoring systems of asylum reception capacities and to put in place national contingency planning mechanism for a flexible reception system allowing them to be better prepared to cope with unexpected migratory influx.

Most Member States showed interest in resettlement, although only few of them have an established national resettlement programme. On the other hand, only a few Member States are ready to accept relocation as a sign of solidarity whereas the big majority of them have strong reticence to put in place a relocation scheme.

Strengthening of policies in the area of legal migration, including through pre-departure integration schemes and development of enhanced integration strategies with a focus on the local and regional levels were other general priorities promoted in the dialogues.

Voluntary return was promoted in the policy dialogues as a preferred option to forced return as it is the most humane and effective method for returning irregularly staying third-country nationals. Strong emphasis was also put on the reintegration component and on developing cooperation between Member States and with third-countries. At the moment, there is a big variation between Member States using voluntary return as a rule, with a ratio of 50/50 on voluntary versus forced return (some 60/40 or even 80/20) and those using mainly forced return.

## ***2.2 Internal Security Fund***

The internal security needs vary between Member States stemming from different situations as regards compliance with the EU requirements for the border management and Schengen governance or as regards the level of police cooperation or because they are confronted with various forms of crime.

In the area of ***borders and visa***, Member States have broadly underlined their commitment to improve their border management and technical and organisational capacities related to EUROSUR, as well as large-scale IT systems (VIS and SIS II) and to accelerate preparatory work when appropriate. The policy dialogues helped to further promote two of our important policies and gain the commitment of all Member States to develop them:

- Smart Borders (SB): while the main part of the expenditure for SB (if agreed) would come from the centralised management part of the ISF, most Member States are ready to invest in the SB initiative. Those who are less convinced agreed at least to assess its feasibility or want to ensure that their current system is interoperable with the future SB technologies;
- Consular cooperation: Member States of small and medium size are mainly interested in concluding representation agreements, while bigger Member States do not see the benefit in these as they do not find partners providing large enough coverage for their needs.

In relation to border management and Schengen governance, the overarching priorities are the use of modern technologies at the border, development of EUROSUR and implementation of the Schengen acquis. In view of facilitating travel of EU citizens, Member States were encouraged to implement the Automated Border Controls (ABC) systems by implementing fingerprint readers. Nonetheless, a number of them remain reluctant to invest in ABC gates until the decision process on the SB package is more advanced or because they do not consider it cost-efficient. EUROSUR provides for the development of a surveillance system for the EU external land and sea border, with the possibility to include air borders and checks at border crossing points. It is therefore important that the countries primarily ensure inclusion of all relevant authorities in their National Coordination Centres and establish the Analysis Layer of the National Situational Picture. The implementation of the main findings and recommendations from the Schengen evaluation represent another general issue that was frequently discussed and well received by Member States in the policy dialogues.

The development of IT systems was also an overarching issue for discussion, in particular the rollout of the VIS and full implementation of SIS II, including backup capability to ensure national systems to be resilient to cyber-attacks in terms of physical, computer and data security, and is high on the list of priorities. Member States are also committed to increasing consular cooperation through establishment of common facilities or by concluding representation agreements for better visa issuance coverage.

In the area of ***prevention and fight against organised crime***, all Member States agreed to develop a national strategic approach which identifies their shortcomings and main priorities

in a multiannual perspective. Their strategies are to be supported by a few horizontal instruments (human resources training including law enforcement training scheme - LETS, financial investigation and forensics) that contribute to achieve the goals in the respective sectorial priorities successfully.

Some general issues were raised in all policy dialogues as they applied to all Member States. One of these is the promotion of cross-border law enforcement cooperation and the development of a cross-border culture of law enforcement through EU training. Also, important is Member States' participation in the EU policy cycle on serious and organised crime, in particular the new policy cycle priorities relevant for a given country based on the Serious and Organised Crime Threat Assessment (SOCTA).

Cyber security, anti-terrorism, anti-corruption and drug trafficking are among the most important sectorial priorities for most Member States. Some of them also need to focus on crisis management including chemical, biological, radiological and nuclear (CBRN) threats. The fight against the trafficking of human beings was raised by a majority of Member States as a possible priority area for funding. The policy cycle has got very broad support by Member States and the challenge is to use it as an effective tool for implementing cooperation actions among Member States to address their priorities and to link it with actions funded under centralised management.

### **3. Next steps**

The next step is the preparation for the formal submission and negotiation of draft national programmes in view of their approval by the Commission. This will be an iterative process consisting of examination of submitted draft programmes and providing observations to the Member States with request for amended versions until the programmes can be considered as satisfactory and ready for approval.

It must be underlined that some Member States for which the policy dialogue took place quite early and which had already started working on their draft national programmes will have to revise them quite substantially in order to take into account the outcome of the negotiations of the four MFF Home Affairs Regulations.

On the side of the Commission, the obligations imposed on Member States by the final texts of the Regulations will be particularly scrutinized. The Commission will pay particular attention to the compliance with the minimum percentages introduced in the Regulations at the request of the European Parliament. In particular, the Commission will carefully analyse the justifications for any derogation to the minimum percentages included in the basic acts for some objectives.