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Proposal for a

COUNCIL DECISION

establishing a European Migration Network

(presented by the Commission)

{SEC(2007)1062}

EXPLANATORY MEMORANDUM

1. Context and objective of the proposal

Already in 1994, the European Commission stressed, in its first communication on immigration and asylum policies¹, the value of creating a mechanism to monitor migration flows on a comprehensive and EU-wide basis. In response, a feasibility study was carried out in 1996².

Following the entry into force of the Treaty of Amsterdam on 1 May 1999 and the European Council at Tampere in October 1999, the European Union committed itself to developing a common policy on immigration and asylum to ensure more effective management of migration flows to the EU. This commitment emphasises fair treatment of third country nationals, partnership with countries of origin, and a balanced approach to migration management, as well as the development of a common European asylum system.

In its conclusions the Laeken European Council of December 2001 invited the Commission 'to establish a system for exchange of information on asylum, migration and countries of origin'. In response to the need for more and better information on migratory issues, a new budget line (budget line 18 03 05 (ex B5-814)) was included in the 2002 budget of the European Communities as a pilot project with the aim to set up a 'European Migration Monitoring Centre' and improve statistics in the field of migration and asylum. Owing to the delay in setting up the network, activities funded under the 2002 budget line effectively began in 2003 and since then there has been a one year difference between the budget line year and implementation year. The project, which eventually took the name 'European Migration Network', continued from 2003 as a preparatory action, until 2006 (budget line year 2005).

At the Thessaloniki European Council of June 2003 the Heads of State and Government recognised the '*importance of monitoring and analysing the multidimensional migration phenomenon*' and endorsed the creation of the European Migration Network. They also supported examining the possibility of creating a permanent structure in the future.

Endorsed by the European Council in November 2004, the Hague Programme builds on the framework of the Tampere programme to advance a new agenda on freedom, security and justice in the EU. In the on-going development of European immigration and asylum policy, the Hague programme highlights the importance of '*reinforcing the collection, provision, exchange and effective use of up-to-date information and data on all relevant migratory developments*', as well as the need for harmonisation of data and information at Member State level.

The continuous development since the entry into force of the Treaty of Amsterdam of common European policies in the areas of migration and asylum needs to be supported by comparable, reliable and objective information and data, at national and European level. Common policies to better manage migration, call for common analyses of migratory phenomena. Important information needs, as already identified by the 1996 feasibility study

¹ COM(94)23 – Communication from the Commission to the Council and the European Parliament on Immigration and Asylum Policies

² 1996 Feasibility Study for a European Migration Observatory

and confirmed by the 2005 evaluation of the EMN³, continue to exist in the field of migration and asylum for policy makers at both EU and Member States level, which the future EMN structure should contribute to satisfying.

First, despite the huge amount of information on many aspects of international migration that is being produced, access to this information is not easy to obtain, as it is dispersed and not centrally available. A single reference point for the filtering and synthesising of this information that could serve as a clearing house would, therefore, be very useful to EU institutions and Member States, both policy makers and the general public.

Second, there is insufficient reliable, comparable and up-to-date information and analysis of legal and policy developments with regard to asylum and migration, both at national and EU level. There is also insufficient comparable information on effects of EU and national policies in this area. In addition, there exists an increasing need for the EU and its Member States to obtain quick responses on specific issues related to migration and asylum. To fill these information gaps, some kind of network structure would be required that could reach out to all Member States, combined with a certain level of central coordination.

Third, a major problem lies in the lack of accurate, up-to-date and comparable statistical data on migration and asylum. The recently adopted Commission proposal for a regulation on Community statistics on migration and international protection⁴ will tackle this problem, but there will continue to be a need for the comparative analysis of such statistical information.

To facilitate the initial launching of the EMN pilot/preparatory action, a phased, bottom-up approach was adopted by first setting up a network of National Contact Points. These contact points, who were designated by the Member States, are at the core of the EMN and carry out the documentation, analysis and research activities. The National Contact Points are also expected to set up national networks of partners that contribute their views and expertise on the various topics under review. The European Commission's Directorate-General for Freedom, Security and Justice has monitored the overall development of the EMN with the assistance of a scientific and administrative co-ordination team, selected by an open invitation to tender.

Given the need to continue and reinforce the activities of the EMN in order to meet the Hague Programme requirement for an *'effective provision of up-to-date information and data on all relevant migratory developments'*, and contribute to more informed policy- and decision-making in the ongoing development of a common European immigration and asylum policy, it is now proposed to formalise the EMN through the adoption of an appropriate legal instrument (a Council Decision based on Article 66 of the EC Treaty). It is proposed to keep many elements of the existing structure, although some important modifications are introduced to improve the functioning of the EMN. The Council Decision will define the main elements necessary for the work of the EMN, namely its objective, tasks, structure, information exchange system, financing arrangements and relations with other organisations.

³ Evaluation of the Activities of the European Migration Network, 2005.

⁴ COM (2005) 375

2. Existing provisions in the area of the proposal

The current EMN has operated first as a pilot project and then as a preparatory action, which did not need a proper legal base and was financed through a specific line (budget line 18 03 05 (ex B5-814)) of the Community budget⁵. According to Article 49, paragraph 2, letter b) of COUNCIL REGULATION (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁶, preparatory actions cannot last more than three years. Therefore, the continuation of the activities of the EMN needs the establishment of a legal instrument.

3. Consultation

In order to consult relevant stakeholders about the future of the EMN the Commission adopted on 28 November 2005 a "Green Paper on the future of the European Migration Network"⁷ which, against an assessment of the functioning of the EMN during the preparatory period, dealt with issues such as the mandate and future structure of the EMN.

The Green Paper launched an open consultation, which lasted until 28 January 2006, and 32 contributions were received, about half of them from the Member States, and the rest from current National Contact Points of the EMN, federal and regional authorities of the Member States and other institutions, mainly academia⁸.

On 6 April 2006 a selected experts' hearing on the future of the European Migration Network was held in Brussels. During the hearing, the main conclusions from the public consultation were presented by the Commission, and several experts made presentations related to the future mandate and structure of the EMN.

The public consultation and experts' hearing demonstrated that there was broad agreement on the need to continue the activities of the EMN, building on its current mandate and structure.

Finally, the Commission has consulted experts from the Member States on issues related to the future of the EMN on two occasions (29 April 2005 and 20 June 2006) in the Committee on Immigration and Asylum. Member States have on both occasions supported the Commission's intentions for the formalisation of the EMN.

4. Summary of the proposed action

The main purpose of the proposal is to formalise the European Migration Network and to give it a proper legal base which describes its objectives, tasks, structure, as well as other important elements for the functioning of the EMN, such as the way it is financed and the establishment of an information exchange system open to the public.

⁵ See 2003 budget, Title B5-8, Area of Freedom, Security and Justice

⁶ OJ L 248, 16 September 2002

⁷ COM (2005) 606

⁸ All documents linked to the public consultation, including the contributions from the stakeholders, can be consulted online:

http://ec.europa.eu/justice_home/news/consulting_public/emn/news_contributions_emn_en.htm

Objective

The proposal describes the **objective of the EMN** as follows: 'to meet the information needs of Community institutions, Member States' authorities and institutions, and the general public on migration and asylum, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policy- and decision-making in the European Union in these areas'.

Activities

In order to attain the above mentioned objective, the EMN should carry out a number of **activities**, which are described in Article 2. They include, inter alia, the following: collect and exchange existing up-to-date data and information from a range of sources; undertake analysis of such data and information; publish reports; create and maintain an internet-based information exchange system; co-operate with other relevant European and international bodies.

Structure

The Network is composed of National Contact Points, designated by the Member States, and of the European Commission.

To ensure active participation from the Member States and provide political guidance to the EMN, a **Steering Board** is established, where every Member State, the Commission and the European Parliament will be represented.

In particular, it will:

- Participate in the preparation of the EMN's annual programme of activities;
- Review progress made by the EMN, making recommendations for necessary actions when required;
- Provide, at least once a year, a status report on on-going activities of the EMN and key findings of its studies, to be provided to all the European institutions;
- Identify the most appropriate strategic co-operative relationships with other entities competent in the area of migration and asylum;
- Advise and help the National Contact Points on how to improve their operations.

The **National Contact Points** need to fulfil a certain number of requirements, such as expertise in the area of asylum and migration; Information Technology skills and equipment; ability to set up collaboration schemes and networking with other national organisations and entities; and the ability to work and write in a second official language of the European Institutions.

Each Member State designates one entity which acts as National Contact Point. The National Contact Point needs to be composed of at least three experts. One of these experts, who will be the national coordinator of the National Contact Point, must be an official or employee of the designated entity. The remaining experts may belong to this entity or to other national and international organisations based in the Member State, either public or private.

The National Contact Points will prepare national reports, contribute national data to the information exchange system of the EMN, develop a capacity to issue and quickly respond to ad hoc requests addressed to/from other National Contact Points and establish a national migration network, composed of a wide range of organisations and individuals active in the area of migration and asylum, including also labour, education and external relations/development aspects of migration, and representing all relevant stakeholders.

The **Commission's responsibilities** will involve:

- General coordination of the EMN;
- Adoption of the EMN's annual programme of activities;
- One representative from the Commission will sit in the Steering Board and will chair it. He or she will be assisted by two scientific experts appointed by the Commission;
- Ensuring that the work of the EMN reflects the political priorities of the Community in the area of migration and asylum;
- Appointment of a service provider that will assist the Commission with the day-to-day management of the EMN, including the information exchange system of the EMN. The Commission will closely monitor the activities of this service provider, establishing clear responsibilities and working practices; involving, if necessary, working groups of National Contact Points to work closely with the service provider on particular activities
- The Commission will also ensure that the National Contact Points are capable of carrying out the tasks entrusted to them. This includes checking if the National Contact Points proposed by the Member States fulfil all the necessary requirements and proposing the necessary actions to the Steering Board when it identifies persistent shortcomings in the work of a National Contact Point, which may have negative consequences in the work of the EMN;
- Finally, the Commission will award operating grants, co-financing the annual work programmes of the National Contact Points which fulfil all the necessary requirements.

The appointment of a service provider to assist the Commission is justified by the technical nature of certain coordination tasks, in particular the setting up of the IT system and Internet site and the preparation of synthesis reports, and by the complexity of ensuring appropriate cooperation between the 26 National Contact Points.

Information exchange system and studies

It is essential for the EMN to widely disseminate the information it produces in the form of studies and reports through the most advanced technological means, including the use of a dedicated web-site. The **information exchange system** is managed by the service provider which will assist the Commission, under the supervision of the latter. It is open to the public and its information is in principle accessible to all; exceptions to this general rule are,

however, possible if sensitive/confidential information is communicated by the members of the EMN.

The information exchange system will inter alia contain the **studies and reports** prepared by the EMN, a migration and asylum thesaurus and a database of national and Community migration and asylum legislation.

Financing

The budgetary resources necessary for the functioning of the EMN will be entered in the annual appropriations of the general budget of the European Union. Such resources will co-finance (up to 80%) the eligible costs of the National Contact Points and will cover the costs of the service provider, plus other expenses including evaluation, special activities and support for newly created National Contact Points. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework, which forecasts appropriations for the EMN amounting to € 59.7 million, for the period 2007-2013. However, the € 3 million foreseen for 2007 will not be used as the Network is expected to become operational from 1 January 2008 only. Therefore, for the period 2008-2013, there are foreseen appropriations of € 56.7 million. This will also mean that there will no longer be a one year delay between the budget line and implementation year.

It will be the Commission's responsibility to award grants to the National Contact Points which fulfil the necessary requirements and to establish a contractual relation with the service provider.

The impact assessment and legislative financial statement contain more information about the financing of the EMN.

5. Legal basis

The Council Decision is based on Art. 66 of the EC Treaty. Since 1 May 2004, pursuant to the Protocol on Article 67 of the Nice Treaty, these measures are taken by qualified majority voting in the Council and consultation of the European Parliament.

Article 66 of the EC Treaty concerns administrative cooperation between the relevant departments of the administrations of the Member States in a number of areas, including immigration and asylum, as well as between those departments and the Commission. Member States' administrations will have an important role through the designation of the National Contact Points and their participation in the Steering Board. Since many of the National Contact Points are likely to be governmental bodies, there will certainly be a high involvement of national administrations in the functioning of the EMN. These reasons justify the choice of Article 66 TEC as the legal base for the proposal.

Title IV of the EC Treaty is not applicable to the United Kingdom and to Ireland, unless these Member States decide otherwise in accordance with the procedure laid down in the Protocol on the position of the United Kingdom and Ireland annexed to the Treaties. Title IV is likewise not applicable to Denmark, by virtue of the Protocol on the position of Denmark annexed to the Treaties.

6. Subsidiarity

This proposal falls within the context of the establishment of an area of freedom, security and justice called for by the Treaties and reinforced by the Tampere and The Hague European Councils. More specifically, the measure aims at bringing together authorities, academia, researchers and other relevant stakeholders in the area of migration and asylum in the Member States so that they can provide the Community, its Member States and the public with objective, reliable and comparable information on the migration and asylum situation at the European and national levels. Since this purpose of improving cooperation and producing data and analysis on a European-wide basis cannot be achieved by the Member States alone, action is needed at Community level. The proposed Decision pursues the objective of a coordinated and uniform Union-wide enhancement of information mechanisms related to all migratory phenomena.

7. Proportionality

The proposal is limited to enhancing cooperation between national administrations and other organisations active in the areas of migration and asylum in order to provide the Community, its Member States and the public with objective, reliable and comparable information on the migration and asylum situation at the European and national levels. A Network-based structure has been preferred in order to maintain a federated structure and ensure an equitable representation of all Member States.

This proposal lays down only the minimum measures needed to attain the objectives pursued and does not go beyond what is necessary to that end. It is without prejudice to existing cooperation mechanisms and structures.

8. Relation of the EMN with other information exchange instruments/structures in the area of migration and asylum

The proposed objective of the EMN is to provide the Community, its Member States, and the public with objective, reliable and comparable information on the migration and asylum situation at the European and national levels with a view to supporting policy- and decision-making in the European Union in these areas. This is evidently linked to research and analysis, to raising awareness about the migratory phenomena in all their aspects, to providing policy-makers and the public with data, reports and studies that can be used as a base for an informed debate on asylum and migration.

The EMN will not be the only Community instrument/structure whose purpose is to collect and exchange information in the areas of migration and asylum. However, when compared with these other instruments/structures such as the ICONet, the Fundamental Rights Agency (including the RAXEN network), Eurostat, CIREFI, National Contact Points on Integration or the Mutual Information Mechanism, the EMN presents a number of particularities which provide it with a unique profile that can be summarised by the following three aspects:

- Broad scope of tasks;
- Strong focus on analysis and links with the academic community;
- Wide availability of its outputs (general public as well as policy-makers).

The Commission will endeavour, to the extent possible, to create synergies and avoid overlap between the work of the EMN and the activities of other related instruments and structures. In order to attain this objective, the Commission will use its capacity to propose the annual programme of activities of the EMN, as foreseen in Article 4 (2) (a).

Annex 1 to the Impact Assessment contains more detailed information on the differences between the EMN and other related instruments and structures.

Proposal for a

COUNCIL DECISION

establishing a European Migration Network

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the proposal from the Commission⁹,

Having regard to the opinion of the European Parliament¹⁰,

Having regard to the opinion of the European Economic and Social Committee¹¹,

Having regard to the opinion of the Committee of the Regions¹²,

Whereas:

- (1) In 2003 the Commission set up a three-year preparatory action for the establishment of a European Migration Network¹³, with a view to providing the Community and its Member States with objective, reliable and up-to-date migration data.
- (2) The European Council, at its meeting in Thessaloniki in June 2003, taking into account the importance of monitoring and analysing the multidimensional migration phenomenon, welcomed in its Conclusions¹⁴ the establishment of the EMN and stated that it would examine the possibility of setting up a permanent structure in the future.
- (3) On 4 November 2004, the European Council endorsed a multi-annual programme for strengthening the area of freedom, security and justice, known as the Hague Programme¹⁵, which calls for the development of the second phase of a common policy in the field of asylum, migration, visas and borders, starting on 1 May 2004, based, inter alia, on closer practical cooperation between Member States and an improved exchange of information. The Hague Programme recognises that "The ongoing development of European asylum and migration policy should be based on a common analysis of migratory phenomena in all their aspects. Reinforcing the

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

¹¹ OJ C , , p. .

¹² OJ C , , p. .

¹³ Hereinafter EMN

¹⁴ Council document 11638/03

¹⁵ Council document 14292/1/04 REV 1

collection, provision, exchange and efficient use of up-to-date information and data on all relevant migratory developments is of key importance."

- (4) In order to consult relevant stakeholders about the future of the EMN, the Commission adopted on 28 November 2005 a "Green Paper on the future of the European Migration Network"¹⁶ which, against an assessment of the functioning of the EMN during the first years of the preparatory period, dealt with issues such as the mandate and future structure of the EMN.
- (5) The public consultation demonstrated that most stakeholders are in favour of continuing and strengthening the activities of the EMN and maintaining the initial objective of the EMN, that is, to provide up-to-date, objective, reliable and comparable information on migration and asylum issues. It also appeared that most stakeholders wished to maintain the EMN attached to the Commission.
- (6) The EMN should avoid duplicating the work of existing Community instruments or structures whose purpose is to collect and exchange information in the areas of migration and asylum and should provide an added value in comparison with them, in particular through the broad scope of its tasks, a strong focus on analysis, links with the academic community and the public availability of its outputs.
- (7) To attain its objectives, the EMN needs to be supported by a National Contact Point in each Member State. The activities of the National Contact Points should be coordinated at Community level by the Commission, who shall be assisted by a service provider with sufficient expertise to organise the routine work of the EMN, including its information exchange system.
- (8) In order to ensure that the National Contact Points have the necessary expertise to deal with the multi-faceted aspects of migration and asylum issues, they should be composed of at least three experts who, individually or jointly, have competencies in policy-making, law, research and statistics. These experts may come from the Member States' administrations or from any other organisation.
- (9) Each National Contact Point should establish a national migration network, composed of organisations and individuals active in the area of migration and asylum, and including, for example, universities, research organisations and researchers, governmental and non-governmental organisations and international organisations, in order to enable the voices of all relevant stakeholders to be heard.
- (10) A Steering Board should provide political guidance to the EMN, including participating in the preparation of the EMN's annual programme of activities.
- (11) In order to ensure the widest possible dissemination of the information produced by the EMN in the form of studies and reports, such information should be available through the most advanced technological means, including the use of a dedicated web-site.

¹⁶ COM (2005) 606

- (12) When necessary for the attainment of its objectives, the EMN should be able to establish cooperative relationships with other entities active in the area of migration and asylum. When establishing such relationships, particular attention should be paid to ensuring a good degree of cooperation with entities in Denmark, Norway, Iceland, Switzerland, the candidate countries, countries covered by the European Neighbourhood Policy and Russia.
- (13) The EMN should be co-financed through grants from the Commission, in accordance with Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002¹⁷.
- (14) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁸ and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹⁹ should be taken into account in the context of the information exchange system of the EMN.
- (15) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

A European Migration Network (hereinafter EMN) is hereby established.

The objective of the EMN shall be to meet the information needs of Community institutions, Member States' authorities and institutions, and the general public on migration and asylum, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policy- and decision-making in the European Union in these areas.

Article 2

Tasks

To attain the objective referred to in Article 1, the EMN shall:

¹⁷ OJ L 248, 16.09.2002, p.1. Regulation as last amended by Council Regulation N° 1995/2006 of 13 December 2006 (OJ L 390, 30.12.2006, p. 1).

¹⁸ OJ L 281, 23.11.1995, p. 31.

¹⁹ OJ L 8, 12.1.2001, p. 1.

- (a) collect and exchange up-to-date data and information from a range of sources, including academia;
- (b) undertake analysis of the data and information referred to in point (a) and provide it in a readily-accessible format;
- (c) develop methods to improve the comparability, objectivity and reliability of data at Community level by establishing indicators and criteria that will improve the consistency of information and help in the development of Community activities related to migratory statistics;
- (d) publish periodic reports on the migration and asylum situation in the Community and its Member States;
- (e) create and maintain an internet-based information exchange system which provides access to relevant documents and publications in the area of migration and asylum;
- (f) raise awareness of the EMN, by providing access to the information it gathers and disseminating the output of the EMN;
- (g) co-ordinate information and co-operate with other relevant European and international bodies.

Article 3

Composition

The EMN shall be composed of

- (a) National Contact Points designated by the Member States;
- (b) The Commission.

Article 4

Steering Board

1. The EMN shall be guided by a Steering Board composed of one representative from each Member State, one representative of the European Parliament, and one representative of the Commission assisted by two scientific experts.

The representative of the Commission shall act as Chair of the Steering Board.

Each member of the Steering Board shall have one vote, including the Chair. Decisions shall be taken by a two-thirds majority of the votes cast.

2. The Steering Board shall in particular:

- (a) participate in the preparation of the EMN's annual programme of activities, on the basis of a draft from the Chair;

- (b) review progress made by the EMN, making recommendations for necessary actions when required;
- (c) provide a succinct status report to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Committee of the Regions on on-going activities of the EMN and key findings of its studies, at least once a year;
- (d) identify the most appropriate strategic cooperative relationships with other entities competent in the area of migration and asylum and approve, when necessary, the administrative arrangements for such cooperation, as referred to in Article 10;
- (e) advise the National Contact Points on how to improve their operations, and help them to take the necessary actions, when identified persistent shortcomings in the work of a National Contact Point may have negative consequences on the work of the EMN.

3. The Steering Board shall meet, as convened by its Chair, at least twice a year.

It shall adopt its own rules of procedure.

Article 5

National Contact Points

1. Each Member State shall designate one entity which shall act as National Contact Point.

The National Contact Point shall be composed of at least three experts. One of these experts, who shall act as the national coordinator, shall be an official or employee of the designated entity. The remaining experts may belong to this entity or to other national and international organisations based in the Member State, either public or private.

2. Each National Contact Point shall collectively have:
 - (a) expertise in the area of asylum and migration, covering aspects of policy-making, law, research and statistics;
 - (b) Information Technology skills and equipment;
 - (c) ability to set up collaboration schemes and networking with other national organisations and entities;
 - (d) capability to collaborate at European level; and
 - (e) ability to work and write in an official language of the European institutions, other than the language(s) of the Member State in which it is located.

Member States shall notify the Commission of the names and full addresses of the experts composing the National Contact Points, specifying how the latter respond to the requirements set out under points (a) to (e).

3. The National Contact Points shall carry out the tasks of the EMN at national level and in particular:
 - (a) prepare national reports, including the reports referred to in Article 9;
 - (b) contribute national data to the information exchange system referred to in Article 8;
 - (c) develop a capacity to issue ad hoc requests addressed to it and to quickly respond to such requests from other National Contact Points;
 - (d) establish a national migration network, composed of a wide-range of organisations and individuals active in the area of migration and asylum and representing all relevant stakeholders. Members of the national migration network may be called upon to contribute to the activities of the EMN, in particular with regard to Articles 8 and 9.
4. The experts of the National Contact Point shall meet regularly to discuss its work, including, as appropriate, with members of its national migration network referred to in paragraph 3 (d), and to exchange information about ongoing and future activities.

Article 6

Coordination

1. The Commission shall coordinate the work of the EMN and shall ensure that it appropriately reflects the political priorities of the Community in the area of migration and asylum.
2. For the organisation of the work of the EMN, the Commission shall be assisted by a service provider selected on the basis of a procurement procedure. This service provider shall fulfil the requirements established in Article 5 (2), and any other relevant requirements defined by the Commission.

Under the supervision of the Commission the service provider shall, inter alia:

- (a) organise the day-to-day operation;
- (b) establish and manage the information exchange system referred to in Article 8;
- (c) co-ordinate the input from the National Contact Points;
- (d) prepare the meetings referred to in Article 7;
- (e) prepare the compilations and syntheses of the reports and studies referred to in Article 9.

3. After consultation of the Steering Board and the National Contact Points, the Commission shall, within the limits of the general objective and tasks defined in Articles 1 and 2, adopt the EMN's annual programme of activities. The programme shall specify the objectives and thematic priorities. The Commission shall monitor the execution of the annual programme of activities and regularly report on its execution and the development of the EMN to the Steering Board.
4. Following the advice provided by the Steering Board referred to in Article 4 (2) (e), the Commission shall take the necessary actions on the basis of the grant agreements referred to in paragraph 5 of this Article.
5. The Commission shall, on the basis of the EMN's annual programme of activities, determine the indicative amounts available for grants and contracts in the framework of a financing decision pursuant to Article 75 of Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002.

The Commission shall award operating grants to the National Contact Points which fulfil the requirements laid down in Article 5 (1) and (2) on the basis of the individual grant applications submitted by the National Contact Points. The maximum Community co-financing is set at 80% of the total eligible cost.

The grants shall, in accordance with Article 113(2) of Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002, not be subject on renewal to the principle of gradual decrease.

Article 7

Meetings

1. The EMN shall meet at least five times a year.
2. Each National Contact Point shall be represented at meetings of the EMN by at least one of its experts. No more than three experts from each National Contact Point shall attend the meetings.
3. The meetings of the EMN shall be convened and chaired by a representative of the Commission.
4. The purpose of the periodic meetings of the EMN shall be to:
 - a) enable the National Contact Points to exchange knowledge and experience, in particular as regards the operation of the EMN;
 - b) review progress in the work of the EMN, and in particular on the preparation of the reports and studies referred to in Article 9;
 - c) exchange data and views, in particular on the structure, organisation, content of and access to the available information mentioned in Article 8;
 - d) provide a platform for discussion of practical and legal problems encountered by the Member States in the area of migration and asylum, in particular discussion of the ad hoc requests referred to in Article 5 (3) (c);

- e) consult with the National Contact Points in the development of the EMN's annual programme of activities referred to in Article 6 (3).
5. Individuals and entities which are not members of the EMN may be invited to its meetings if their presence is considered necessary. Joint meetings with other networks or organisations may also be organised.

Article 8

Information exchange system

1. An Internet-based information exchange system, accessible via a dedicated website, shall be established in accordance with this Article.
2. The content of the information exchange system shall normally be public.
Access to information of a confidential nature may be restricted to the EMN only.
3. The information exchange system shall comprise at least the following elements:
 - a) access to Community and national legislation, case law and policy in the areas of migration and asylum, including specific migration regimes for particular categories of migrants;
 - b) a functionality for ad hoc requests, as referred to in Article 5 (3) (c);
 - c) a migration and asylum thesaurus;
 - d) direct access to all EMN's publications, including the reports and studies mentioned in Article 9, as well as a regular newsletter;
 - e) a mailbox accessible via the dedicated website where the general public may send its questions concerning migration and asylum issues covered by EMN's activities ;
 - f) a directory of researchers and research institutions in the area of migration and asylum.
4. For the purposes of access to the information mentioned in paragraph 3, the EMN may, when necessary, add links to other sites where the original information is to be found.
5. The dedicated website shall facilitate access to comparable public information initiatives in related matters and to sites containing information relating to the migration and asylum situation of the Member States and of third countries.

Article 9

Reports and studies

1. Each National Contact Point shall produce every year a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data.
2. The annual programme of activities shall include the preparation by each National Contact Point of other studies covering specific migration and asylum-related issues necessary for the support of policy- and decision-making.

Article 10

Cooperation with other entities

1. The EMN shall cooperate with entities in the Member States or in third countries, including international organisations, competent in the field of migration and asylum.
2. The administrative arrangements for the cooperation referred to in paragraph 1, which may include when necessary the conclusion by the Commission of agreements on behalf of the Community, shall be subject to the approval of the Steering Board.

Article 11

Budgetary Resources

The budgetary resources allocated to the actions provided for in this Decision shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Article 12

Implementation of the budget

The Commission shall implement the Community financial support in accordance with Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002.

Article 13

Review

No later than three years after the entry into force of this Decision, and every three years thereafter, the Commission shall present to the European Parliament, the Council, the Committee of the Regions and the Economic and Social Committee, a report on the development of the EMN. The report shall be accompanied, if necessary, by proposals for amendments to this Decision.

Article 14

Establishment of the basic components of the EMN

No later than three months after the entry into force of this Decision, the Member States shall notify the Commission of the information required by Article 5 (2).

Article 15

Date of application

This Decision shall apply from 1 January 2008.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels,

*For the Council
The President*

LEGISLATIVE FINANCIAL STATEMENT

This document is intended to accompany and complement the Explanatory Memorandum. As such, when completing this Legislative Financial Statement, and without prejudice to its legibility, an attempt should be made to avoid repeating information contained in the Explanatory Memorandum. Before filling in this template, please refer to the specific Guidelines that have been drafted to provide guidance and clarification for the items below.

1. NAME OF THE PROPOSAL:

Proposal for a Council Decision establishing a European Migration Network

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Immigration and asylum policy

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

18 03 05 - European Migration Monitoring Center

3.2. Duration of the action and of the financial impact:

Duration of the action: 2008 -> onwards. The financial impact has been estimated only for the financial period 2008-2013.

3.3. Budgetary characteristics (add rows if necessary):

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
18 03 05	Non-comp	Diff20/	NO	NO	NO	No 3A

²⁰

Differentiated appropriations

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	S e c t i o n n o .	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total

Operational expenditure²¹

Commitment Appropriations (CA)	8 . 1 .	a	6,500	8,800	10,100	10,300	10,500	10,500	56,700
Payment Appropriations (PA)		b	2,790	8,110	9,450	10,200	10,400	10,500	51,450

Administrative expenditure within reference amount²²

Technical & administrative assistance (NDA)	8 . 2 . 4 .	c							
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	6,500	8,800	10,100	10,300	10,500	10,500	56,700
Payment Appropriations		b+c	2,790	8,110	9,450	10,200	10,400	10,500	51,450

²¹ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

²² Expenditure within article xx 01 04 of Title xx.

Administrative expenditure not included in reference amount²³

Human resources and associated expenditure (NDA)	8.2.5.	d	0,234	0,234	0,234	0,234	0,234	0,234	1,404
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e							

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c +d+ e	6,734	9,034	10,334	10,534	10,734	10,734	58,104
TOTAL PA including cost of Human Resources		b+c +d+ e	3,024	8,344	9,684	10,434	10,634	10,734	52,854

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
26 Member States (Denmark excluded). Amounts include the co-financing of all 26 MS	f	1,175	1,669	1,944	1,986	1,986	1,986	10,751
TOTAL CA including co-financing	a+c +d+ e+f	7,909	10,703	12,278	12,520	12,720	12,720	68,850

4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement²⁴ (i.e. flexibility instrument or revision of the financial perspective).

²³

Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

²⁴

See points 19 and 24 of the Interinstitutional agreement.

4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

EUR million (to one decimal place)

Budget line	Revenue	Prior to action [Year n-1]	Situation following action						
			[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] 25	
	a) Revenue in absolute terms								
	b) Change in revenue	÷							

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later
Total number of human resources	2	2	2	2	2	2

5. CHARACTERISTICS AND OBJECTIVES

Details of the context of the proposal are required in the Explanatory Memorandum. This section of the Legislative Financial Statement should include the following specific complementary information:

5.1. Need to be met in the short or long term

Reinforcing the collection, provision, exchange and effective use of up-to-date information and data on all relevant migratory developments

²⁵

Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

The proposed measure aims at networking authorities, academia, researchers and other relevant stakeholders in the area of migration and asylum in the Member States so that they can provide the Community, its Member States and the public with objective, reliable and comparable information on the migration and asylum situation at the European and national levels. Since this purpose of improving cooperation and produce data and research on a European-wide basis cannot be achieved by the Member States alone, action is needed at Community level.

Synergies and links with other initiatives, networks, etc. are explained in the explanatory memorandum and in the impact assessment.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

The objective of the proposal is the creation of a structure that can provide the Community, its Member States, and the public with objective, reliable and comparable information on the migration and asylum situation at the European and national levels. The proposal sets therefore a Network composed by the Commission and by National Contact Points in each of the Member States. They are responsible for carrying out the tasks of the Network described in Article 2, paragraph 2 of the proposal and for attaining the results listed in section 4 of the Impact assessment.

The resources allocated for the Network must cover two main operational objectives: direct support of National Contact Points and support of non-NCP activities of the Network; the latter includes the following activities:

- - Support to the Commission for the coordination tasks
- - Evaluation costs
- - Reserve for special/unforeseen activities linked to EMN areas of coverage
- - Relations with other entities
- - Specific support for new National contact points during the first years of implementation of the action

The table in section 8.1. describes the financial cost of the objectives mentioned above.

5.4. Method of Implementation (indicative)

Show below the method(s)²⁶ chosen for the implementation of the action.

²⁶ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point

X ***Centralised Management***

X directly by the Commission

indirectly by delegation to:

executive Agencies

bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

national public-sector bodies/bodies with public-service mission

Shared or decentralised management

with Member states

with Third countries

Joint management with international organisations (please specify)

Relevant comments:

The budgetary resources necessary for the functioning of the Network will be entered in the annual appropriations of the general budget of the European Union. Such resources will co-finance the costs of the National Contact Points and will cover the costs of the service provider selected to assist with the coordination tasks, plus other expenses including evaluation, special activities and support for newly created National contact points. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

It will be the Commission's responsibility to allocate grants to the national contact points which fulfil the necessary requirements and to establish a contractual relation with the service provider selected to assist the Commission with the coordination tasks and other service providers.

6. MONITORING AND EVALUATION

6.1. Monitoring system

One of the tasks of the Steering Board will be to '*review progress made by the Network*' (Article 4, paragraph 5, letter b)). This will amount to a continuous monitoring system. In this context, the Commission will also have an important role to play as it will '*monitor the execution of the annual programme of activities and regularly report about its execution and about the development of the Network to the Steering Board*' (Article 6, paragraph 3).

6.2. Evaluation

6.2.1. Ex-ante evaluation

DG JLS Commissioned an evaluation of the EMN preparatory action which included an ex-ante evaluation of the future EMN. This was carried out by a service provider (GHK – EPEC) and a final evaluation was delivered to the Commission services in July 2005.

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

The successes and shortcomings of the current EMN preparatory action have been taken into account when preparing the legal base. Examples of this include the following:

- The proposal makes it compulsory for Member States to establish National Contact Points; this is to avoid the current situation where a large number of Member States are not involved in the EMN work as they have not designated a National Contact Point (participation is currently voluntary).
- The proposal clearly describes the roles of the different actors (National Contact points, Commission) in order to avoid lack of clarity about who does what in the Network.
- The proposal ensures political involvement of the Member States through their participation in the Steering Board. This involvement was lacking during the first phase of the EMN (preparatory action).
- National Contact Points will have to respect a number of requirements and be composed by several experts covering different fields. This will ensure that all National Contact Points provide an output of high quality.

6.2.3. Terms and frequency of future evaluation

The legal base (Article 14) requires the Commission to prepare a report about the development of the EMN no later than three years after the entry into force of the Decision, and every three years thereafter. The necessary resources have been seen for evaluation in the financial programming.

7. ANTI-FRAUD MEASURES

The Commission shall ensure that, when actions financed under the present action are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

For the Community actions financed under this action, the notion of irregularity referred to in Article 1, paragraph 2 of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a provision of Community law or any breach of a contractual obligation resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, by an unjustifiable item of expenditure.

Contracts and agreements shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it) and audits by the Court of Auditors, if necessary on-the-spot.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost²⁷

Objective	2008	2009	2010	2011	2012	2013	Total 2008-2013
1 Support non-NCP specific activities of the Network	1.600.000	1.825.000	2.125.000	2.150.000	2.450.000	2.450.000	12.600.000
Action 1 Coordination assistance to the Commission	1.000.000	1.100.000	1.500.000	1.500.000	1.600.000	1.700.000	8.400.000
Action 2 Evaluation	-	200.000	-	-	200.000	-	400.000
Action 3 Related activities, specific studies	200.000	200.000	500.000	500.000	500.000	600.000	2.500.000
Action 4 Relations with other entities	100.000	125.000	125.000	150.000	150.000	150.000	800.000
Action 5 Support for new NCPs	300.000	200.000	-	-	-	-	500.000
2 Direct NCP support	4.900.000	6.975.000	7.975.000	8.150.000	8.150.000	8.150.000	44.100.000
TOTAL COST	6.500.000	8.800.000	10.100.000	10.300.000	10.500.000	10.500.000	56.700.000

²⁷

An explanation of how the increased resources will be used is included in annex 2 to the Impact assessment, as well as a clarification about the basic outputs which justify the amounts to be granted to the National Contact Points

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff ²⁸ (XX 01 01)	A*/AD	1	1	1	1	1	1
	B*, C*/AST	1	1	1	1	1	1
Staff financed ²⁹ by art. XX 01 02							
Other staff ³⁰ financed by art. XX 01 04/05							
TOTAL		2	2	2	2	2	2

8.2.2. Description of tasks deriving from the action

Coordination of the work of the Network, overseeing the work of the service provider selected to assist with the coordination tasks, liaise with the national contact points, ensure that contracts with the members of the Network are properly managed

8.2.3. Sources of human resources (statutory)

When more than one source is stated, please indicate the number of posts originating from each of the sources

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

²⁸ Cost of which is NOT covered by the reference amount
²⁹ Cost of which is NOT covered by the reference amount
³⁰ Cost of which is included within the reference amount

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ³¹							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
Total Technical and administrative assistance							

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)	0.234	0.234	0.234	0.234	0.234	0.234
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	0.234	0.234	0.234	0.234	0.234	0.234

³¹ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation– *Officials and Temporary agents*

Reference should be made to Point 8.2.1, if applicable

2 x 117,000 € = 234,000 €

Calculation– Staff financed under art. XX 01 02

Reference should be made to Point 8.2.1, if applicable

n/a

8.2.6. Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees ³²							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)							

Calculation - *Other administrative expenditure not included in reference amount*

n/a

³² Specify the type of committee and the group to which it belongs.