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Annex to the:

**Proposal for a
COUNCIL DECISION**

Establishing a European Migration Network

**EX ANTE EVALUATION OF THE FEASIBILITY OF A EUROPEAN
MIGRATION NETWORK**

{COM(2007)466 final}

1. Short history of the European Migration Network project to date

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 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 proposed the examining the possibility of creating a permanent structure in the future.

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. The contact points designated by the Member States are at the core of the Network and carry out the documentation and analysis and research activities. The contact points, on their part, are 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 Network with the assistance of a scientific and administrative co-ordination team, selected by open invitation to tender (the Berlin Institute for Comparative Social Research (BIVS)).

Despite initial difficulties and delays in setting it up, the European Migration Network, together with the assistance of the scientific co-ordination team since 2004, has made considerable progress. 17 National Contact Points have been designated. The successive building up of national networks is well underway. The data to be collected and the methodology for collecting it has been specified. The basic software to facilitate the development of an EMN information system has been elaborated. Research projects on "The impact of immigrants on Europe's societies" and on "Illegally resident third country nationals in the EU Member States: State approaches towards them and their profile and social situation" have been conducted, as well as

other small-scale research studies. To provide visibility to the Network, a website has been created¹. A quarterly newsletter is distributed to the members of the Network electronically. Contact has been made with a number of other information gathering projects and activities of similar scope to avoid overlaps and to draw maximum synergy effects. Among them: the European Monitoring Centre on Racism and Xenophobia (EUMC), the research project on migration statistics THESIM, the Euro-Mediterranean Consortium for applied research on International Migration (CARIM).

2. Stakeholder consultation and evaluation

The European Migration Network exists since 2002 as a pilot/preparatory action funded by the Community budget. The Commission wished to consult relevant stakeholders about the future of the EMN, once the preparatory action would come to and end in 2005. The Commission, therefore, adopted on 28 November 2005 a "Green Paper on the future of the European Migration Network"² 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 Network.

The Green Paper launched an open consultation which lasted until 28 January 2006. 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 academia³.

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 Network.

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 (CIA).

In parallel with the public consultation about the future of the EMN, the Commission requested an external evaluation of the functioning of the EMN during its first years of existence. Such evaluation also included an ex-ante evaluation of the future EMN, where a number of options were reviewed. This document incorporates and develops further the findings of this evaluation⁴.

¹ www.european-migration-network.org

² COM(2005)606

³ 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

⁴ This evaluation is available online:

http://ec.europa.eu/justice_home/doc_centre/immigration/studies/doc_immigration_studies_en.htm

The public consultation, the experts' hearing, the contacts with Member States and the external evaluation have all demonstrated that there is broad agreement on the need to continue and reinforce the activities of the EMN, building on its current mandate and structure.

3. What issue/problem is the proposal expected to tackle?

Since 1999, asylum and migration have become topics of Community policy and the European Union has gained considerable responsibility in this field. There has also been a steady development of organisations and institutions conducting research in this area. These developments have increased the demand for reliable information and statistical data in this area. Progress made in information and communication technology, and in particular the development of the Internet as a research tool, has made information and data more readily accessible. Another significant change has been the accession of ten new Member States to the EU in May 2004, adding a new geographical and political dimension. Two more Member States have joined the Union on 1 January 2007.

The pertinent need for information on national legal developments and a comparative analysis of these is often cited as information which would be highly valuable not only for researchers but also for policy makers at EU and national levels. Another usually cited need relates to the analysis of statistical data provided by Eurostat. With regard to specific topics where information is lacking, the following possible topics have been identified: links between migration and asylum, information on the types of migratory flows, economic migration, the EU dimension of migration, the effects of the Schengen Agreement on the circulation of third country nationals, the identification of future deficits in EU labour supply, the impact of EU policy on the Member State level, and links between migration and development.

The following list of problems which could be addressed by the EMN identifies seven key factors:

a) Growing need to inform future EU policy developments with regard to asylum and migration

The EU's increased competence in the field of asylum and migration since the 1999 Amsterdam Treaty and Tampere programme has resulted in a significant increase in demand for information and data in this field. This has been emphasised in several Commission policy documents, including the 2003 Action Plan for the collection and analysis of community statistics in the field of migration⁵, the 2003 Communication on immigration, integration and employment⁶, the 2004 Communication on the links between legal and illegal migration⁷ as well as the proposal for a Regulation on Community statistics on migration and international protection⁸.

⁵ COM(2003)179

⁶ COM(2003)336

⁷ COM(2004)412

⁸ COM(2005)375

b) Insufficient information management and coordination

While information on asylum and migration has increased significantly in the past ten years, it is often poorly organised and scattered, with gaps in terms of coverage on specific topics. Many organisations currently study migratory phenomena but in most cases the information covers geographical areas that are either larger⁹ or smaller¹⁰ than the European Union, making it difficult to obtain an accurate and comparable EU-wide vision of the situation. There exist also a number of initiatives and structures linked to the work of EU institutions in the areas of migration and asylum (Eurasil, CIREFI, ICONet, Mutual Information Mechanism, etc.); any new structure needs to avoid overlapping with existing ones¹¹.

The development of the Internet and other information technologies has made information easily accessible on-line, but it can be a challenge to locate the information that is needed. Also, it is difficult to know what information is available and where to find it. Access to some databases may also be restricted. It has been suggested that the use of some type of directory or the development of a single reference point for information on migration and asylum could be beneficial to help manage information available.

c) Lack of information on policy and legislation, including analysis and evaluation

Comprehensive information on policy and legislation in place in the EU25, including the analysis and evaluation of its potential effects and inter-linkages at national as well as EU level is currently lacking. Such information would be highly valuable not only for national and EU-level policy makers but also for researchers. This information would furthermore be particularly beneficial in developing the second five-year phase of policy development under the Hague Programme. It would also be useful for national administrations when transposing and implementing the measures agreed on under the Tampere Programme and for researchers evaluating the state of transposition and implementation.

d) Problems of statistical data and information

Substantial efforts are being made to increase the accuracy, objectivity and comparability of statistical information, and to make data more up-to-date. The proposal for a Regulation on Community statistics on migration and international protection¹², once agreed, will provide major improvements in terms of definitions and the range of data being collected. There will be a need for the comparative analysis of such information.

⁹ For instance OECD, Council of Europe and UNHCR reports

¹⁰ For instance the national reports prepared by Member States' statistical institutes

¹¹ See annex 1 for an analysis of the differences between the proposed EMN and existing structures.

¹² COM(2005)375. The proposal is currently being negotiated in the European Parliament and in the Council

The EMN would be best placed to provide this comparative and analytical function. Moreover, the Network could also add value by bringing together other official and non-statistical data which are not covered by the Regulation and to support the experimentation with new practices and methods.

More specifically, problems related to statistical data and information include:

- ∄ Lack of up-to-date, objective and accurate data for all EU Member States.
- ∄ Lack of harmonised statistical information and data collection methods.
- ∄ Insufficient information on additional variables in relation to migrants and asylum seekers, such as their profession, educational background and qualifications.
- ∄ Lack of use of reliable and accurate data as evidence for other analytical activity, such as studying policy and legislative effects.

e) Insufficient access to information on the New Member States

In addition to the general need for comprehensive information on the EU25, particular attention needs to be paid to the new Member States and Accession States. In a few cases, information collection systems are underdeveloped, or have only been set up fairly recently. Also, existing information systems need to be integrated into the current EMN information system. As asylum and migration are relatively new policy areas for most of the new Member States, statistical data may be lacking or difficult to come by. The degree of participation of new Member States in the existing EMN has been, with some exceptions, rather low.

f) Unavailable or slow provision of expertise on specific and pertinent topics at EU policy level

EU asylum and migration policy needs to be able to respond to new developments and trends in this field which are ever-changing, often very quickly. In order to be able to provide quick responses, views or clarifications on specific issues in relation to asylum and migration, research needs to be able to analyse such developments as they happen. Also, a number of themes linked to asylum and migration are still relatively “under-researched”, whilst being very relevant to policy development.

More specifically, this relates to:

- ∄ Gaps in information on certain topics relevant to EU policy development.
- ∄ Lack of a “quick response service” which can address queries from EU and MS officials.
- ∄ Lack of a comprehensive and updated overview of trends, patterns and country of origin information to enable proactive reactions and responses through a central system / mechanism.

g) Insufficient consideration of ICT developments in current migration and asylum information systems

New ICT developments have drastically increased the possibilities and use of the Internet in general as well as online tools and specialised databases. Such technologies continue to improve and develop, replacing information tools with new ones once they become out-dated. It is important that such developments be monitored to allow for cost-effective choices for the further elaboration and building of any information system.

More specifically, this includes:

- ∄ Continuous ICT innovation makes it difficult to choose the most effective platforms for information systems.
- ∄ Other (general) search engines are serious competitors.
- ∄ Technically complicated systems are difficult to operate when several actors are responsible for inputting information.

4. What main objectives is the proposal expected to reach?

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. In particular such a structure should be able to address the problems identified in the previous section by:

1. Addressing the Commission's and national governments' information needs for the implementation of policy and legislative measures under the key areas for priority action identified in the May 2005 Action Plan¹³ for the period 2005-2010. This includes monitoring and independent assessments of the achievements and effects of the EU's increased competence in the field of asylum and migration, in particular in relation to the implementation of the Action Plan.
2. Improving information management and coordination of data on immigration and asylum and coordinating and linking existing sources of information, including inventories of relevant actors, research, information services and other activities in a suitable interface bringing together existing information sources and potential users; efforts should be paid to avoid overlaps with existing structures.
3. Providing easy access to (synthesis) information on the EU25 national legal systems and policy developments as well as analysis, evaluation and comparisons of national policy agendas and legislation on asylum and migration, as well as policy-interlinkages, addressing causes, effects and consequences.

¹³ Council document 9778/2/05

4. Providing accurate, objective and comparable statistical information on immigration and asylum through the preparation of analyses presenting statistical information in an accessible form for the EU25; identifying major trends and patterns on the basis of data analyses, providing an overview of the full EU territory.
5. Covering the whole of the European Union, through direct presence in all the Member States and integrating information on the new Member States into existing information structures.
6. Developing a capacity for rapid reaction to new developments and establishing a proactive approach for the identification of trends/areas which deserve to be researched.
7. Ensuring that the EMN is well equipped from an ICT point of view through the selection of the most cost-effective option for information systems and databases and of user-friendly technologies both for users and for those inputting to the system.

The future EMN should further reinforce its integration in asylum and migration policy within the EU. This will strongly depend on the extent to which it can meet the information needs of the Community and its ability to deliver reliable, up-to-date and, more importantly, comparable data and information.

The future EMN should have a clear mandate, objectives and functions from the very start. These would form the basis for annual work programmes with realistic timetables and clearly specified products to be delivered by the Network. Commitment from the Member States to the above will need to be ensured to enable the successful performance of the Network.

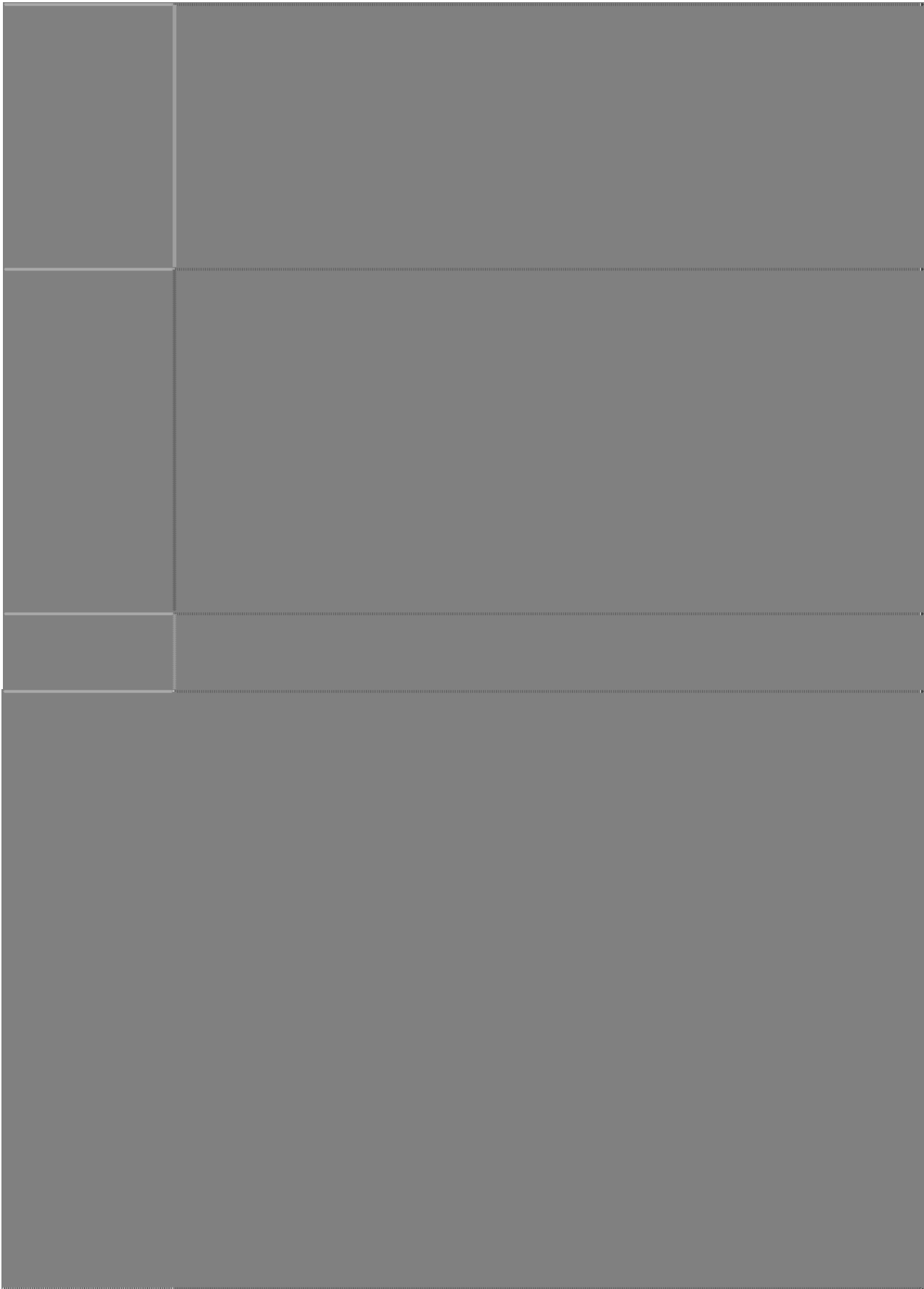
5. **What are the main policy options available to reach the objective and what are the impacts –positive and negative- expected from them?**

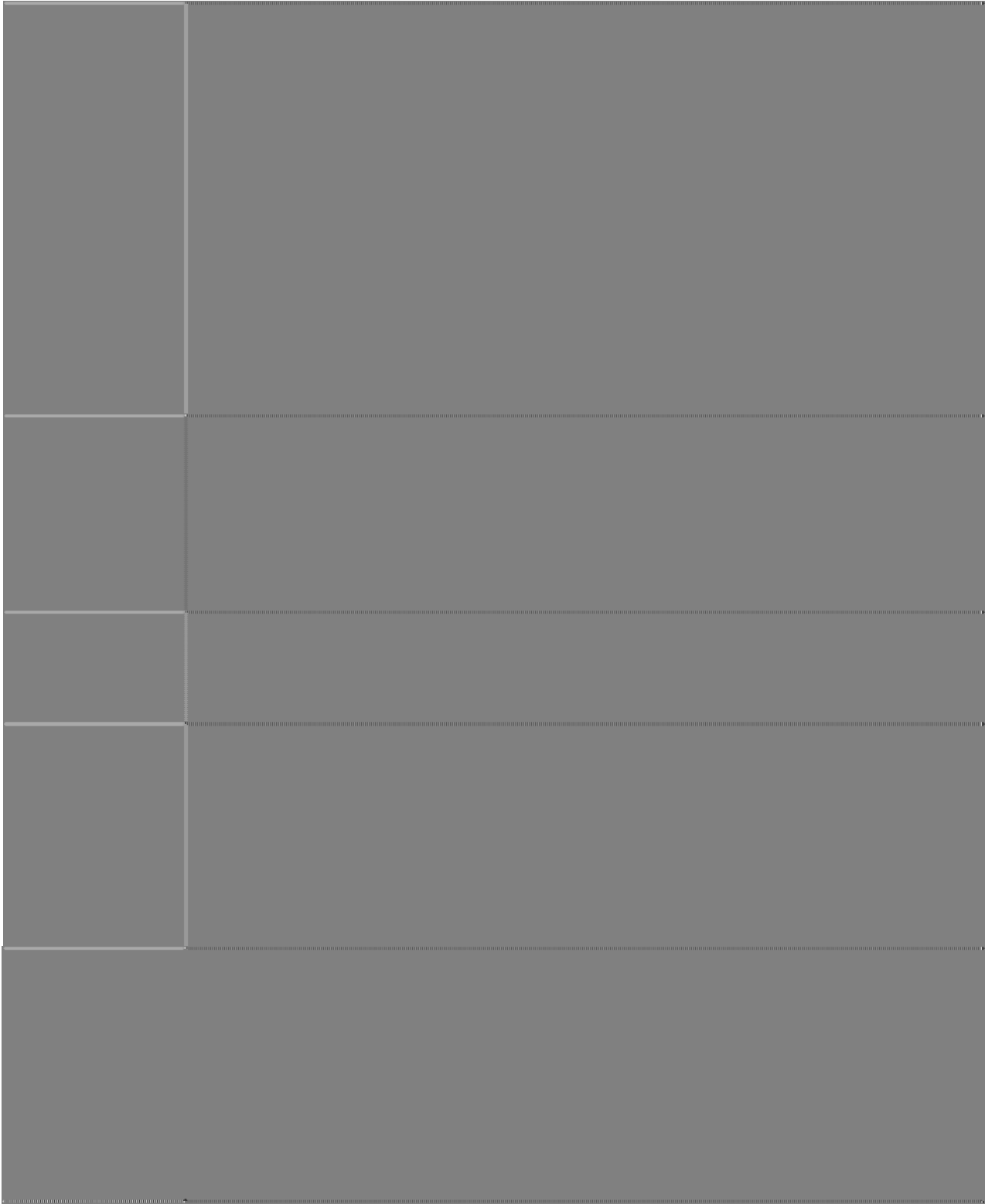
Available policy options

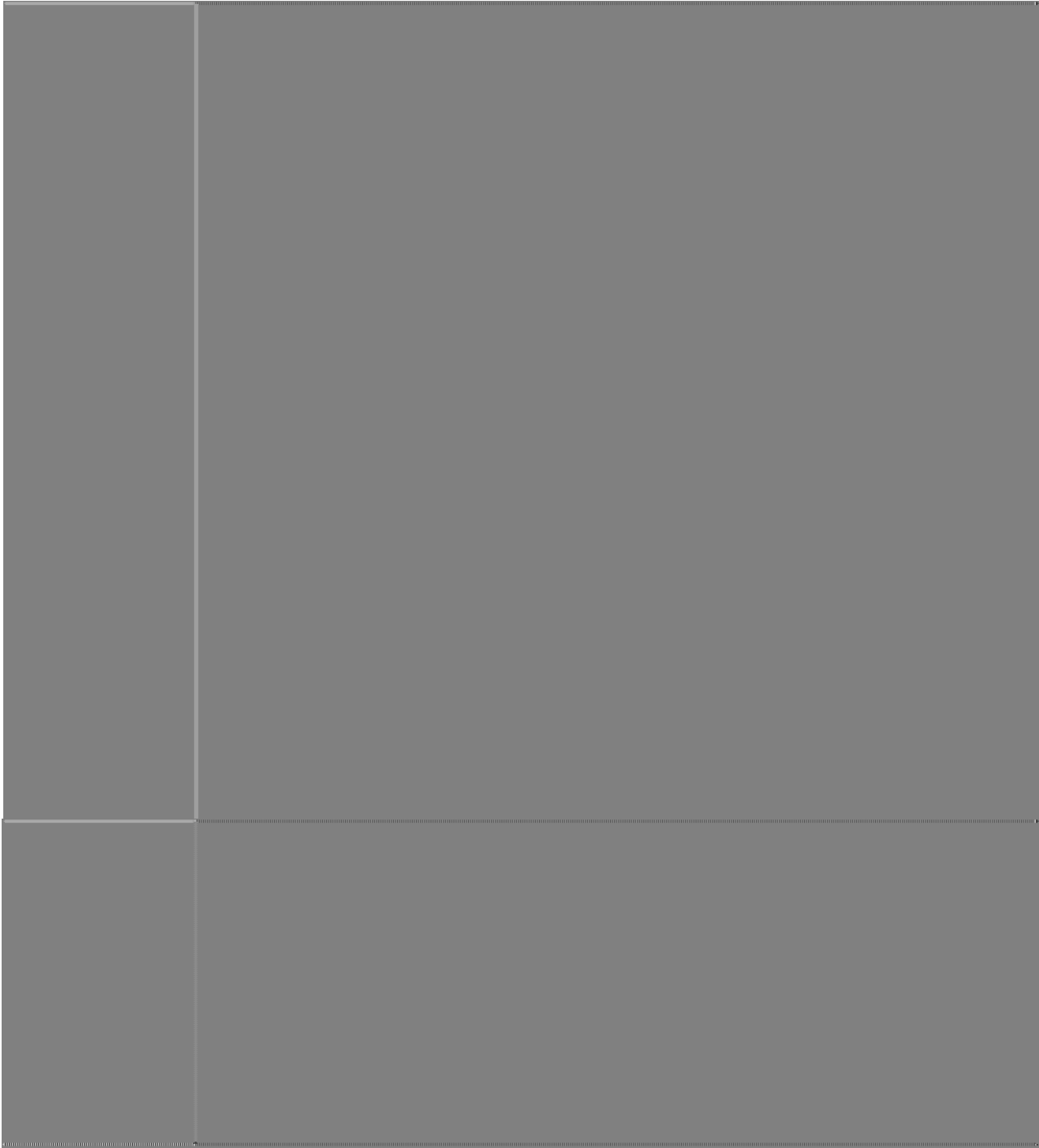
In order to attain the general objectives mentioned in section 4, three main policy options have been identified, ranging from the setting-up of an informal network (this would amount to maintaining the current way of operation of the EMN) to the creation of a fully-fledged agency.

OPTION 1

Observatory of migration and asylum flows and national (i.e. Member State) factors affecting flows including Member State policies and legislation







Assessment of the options

The following table summarizes the impact of the different options based on a number of criteria:

- Degree of achievement of policy objectives (see section 4)
- Cost for EU budget
- Cost for Member States
- Political acceptance by Member States
- Cooperation with third countries and other organisations

	Degree of achievement of policy objectives	Cost for EU budget	Cost for Member States	Political acceptance by Member States	Cooperation with third countries and other organisations
Option 1	Moderate	Low	Low	Moderate	Low
Option 2	High	Moderate	Low/Moderate (depending on possibility of co-financing)	High	Moderate
Option 3	High	High	Low	Low	High

An explanation of the criteria is presented in the following pages.

Degree of achievement of policy objectives

The more ambitious options (2 and 3) offer a higher degree of achievement of the policy objectives. This is particularly true for the objective of improving information management and coordination of data on immigration, as well as for the objective of developing a capacity for rapid reaction to new developments. Option 3 would provide a high level of independence, which is in itself positive but may not be welcomed by all Member States; the agency, being a centralised body, may lack direct access to information from the Member States. Option 2 implies more participation from national administrations, while ensuring a certain level of objectivity and independence. Option 1, while ensuring independence of the structure, would run the risk of it being too detached from national administrations, and therefore of not being able to have easy access to information and data.

Cost for EU budget

In the table below a summary of the costs involved for the first year of implementation of the EMN action for each of the options is presented and compared with the current spending for the EMN. More details about the costs are presented together with the description of the options. Option 3 is the most expensive one as it would entail the creation of a new agency. Option 1 would cost slightly less than the current arrangement (if the current arrangement would cover all the Member States, which is not the case). Option 2 would be more expensive than Option 1 as the establishment of National Contact Points would imply higher costs that maintaining individual correspondents (as in option 1).

Estimated cost for first year of implementation (in €)	Current EMN	Option 1	Option 2	Option 3 ¹⁴
Grants for National Contact Points/national correspondents	3,276,000 ¹⁵	1,950,000 ¹⁶	4,550,000 ¹⁷	6,500,000
Cost of the service provider for assisting with the coordination/agency	350,000 ¹⁸	400,000	500,000	3,100,000
Other costs (e.g. support for certain NCPs, evaluation costs, statistical activities, etc.)	n/a	300,000	400,000	1,500,000
Total	3,626,000	2,650,000	5,450,000	11,100,000

¹⁴ The estimations for option 3 are based on the 'Evaluation of the activities of the European Migration Network' prepared by EPEC – GHK Consulting Ltd.

¹⁵ The amount of € 3,276,000 is an estimation of the costs of the EMN if all Member States would receive grants for their NCPs. The amount is reached by multiplying 26 NCPs * € 126,000 (average grant for NCPs during the past three years). The actual amount currently spent for the grants of NCPs is much lower because just 9 NCPs are being co-financed.

¹⁶ This amount is reached by multiplying 26 NCPs * € 75,000. The figure of € 75,000 is based on the figure proposed in the 'Evaluation of the activities of the European Migration Network' prepared by EPEC – GHK Consulting Ltd.

¹⁷ This amount is reached by multiplying 26 NCPs * € 175,000, as indicated in the 'Evaluation of the activities of the European Migration Network' prepared by EPEC – GHK Consulting Ltd.

¹⁸ This is an estimate of the average annual cost of the Coordinator taking into consideration the amount of € 729,970 spent for the years 2004 and 2005 and of € 284,913 spent for 2006, and including a correction to account for the fact that the money spent in 2006 is less than usual because the contract does not cover the whole year.

As shown in annex 2 and in the financial statement, the costs of the EMN would gradually increase in accordance with the progressive development of its activities.

Cost for Member States

Option 1 would entail low costs for Member States, as the national correspondents would be financed completely by the Community budget and the Network of officials within the relevant national governments would not require much funding from national administrations given the limited scope of its activities. Option 2 requires certain financial involvement from Member States as the National Contact Points are co-financed. However, the fact that 80% of their costs can be financed by the Community means that Member States expenses will not be high. The latter can be estimated to amount to +/- € 8.6 million for the period 2008-2013, for all 27 Member States¹⁹. This is money that would nevertheless be spent on research and information activities by Member States, even without the EMN. The agency described in option 3 would require fewer resources from Member States' budgets, as most expenses would be covered by the Community budget.

In the long-term, under the three options presented above, the work of the EMN will provide research and information that are currently prepared by national officials, thus saving resources of national administrations.

Political acceptance by Member States

The contributions from Member States to the public consultation on the future of the EMN showed that most Member States were in favour of continuing the EMN with objectives, tasks and structure similar to its current ones (therefore options 1 or 2). Member States were mostly opposed to the creation of an agency (option 3), arguing that it is too early for taking such a step and that it would be far too costly. Debates in the Committee on Immigration and Asylum have also shown that Member States are more likely to endorse options 1 and 2 rather than anything similar to option 3.

Cooperation with third countries and other organisations

An agency (option 3) would certainly be in the best position to establish cooperation with other countries and organisations, as it would be an independent body with legal personality. In option 2, one of the tasks of the Steering Board would be to ensure cooperation between the Network and other countries/organisations and identify strategic partnerships for certain projects. In option 1, the service provider could be tasked with the responsibility to ensure cooperation, but it would lack legitimacy and political support.

¹⁹ The financial statement foresees that for the period 2008-2013, € 43,00,000 is the maximum amount to be spent for direct support to the EMN NCPs. If co-financing is 20%, that leads to a maximum contribution of € 8,600,000 from the 27 Member States.

Conclusion

Option 2 provides the most cost-effective solution while allowing for a high degree of achievement of the policy objectives and enjoying support from Member States. Option 3's main drawbacks are its high cost and the resistance from Member States to establish a new agency. Option 1 is the cheapest but does not guarantee the fulfilment of all the policy objectives.

It must be recalled that under the financial perspectives for the period 2007-2013, the available resources for the EMN range from € 6.5 million in 2008 to € 10.5 million in 2012 and 2013. The cost of Option 2, therefore, closely corresponds to the resources available during the first years of implementation of the EMN action²⁰.

The different options can also be assessed by looking at their relative strengths and weaknesses, as in the table below:

	Strengths	Weaknesses
Option 1	<ul style="list-style-type: none">Focused scope with clear tasks and outputsHomogeneous structureManaged by the CommissionLinks to national policy through parallel Network of government officialsContractual responsibility for national level contributions with organisation contracted for coordination (leading also to less administration)Resources available for analysis and cross-national comparisonsGood level of objectivity and reliabilityRelatively cheap	<ul style="list-style-type: none">Limited scopeLow visibilityNo legal basisLack of direct influence of Member States on the Network's work programme may lead to decreased commitmentCurrent information system only partly usedInsufficient fulfilment of the policy objectives

²⁰

The increase in activities of the EMN linked to the increase in resources is explained in annex 2, part 1.

	Strengths	Weaknesses
Option 2	<p>Wide scope</p> <p>Well placed to inform policy debate and developments at EU level</p> <p>Strong focus on quality criteria / conditions for national level inputs in Co-financed Network</p> <p>Decision making through a Steering Board involves Commission and Member States</p> <p>Working groups / committees steering content and method of work</p> <p>Current information system used and further developed</p> <p>Specific focus on enhancing data comparability / harmonisation</p> <p>Continuity with current structure</p> <p>Cost-effective</p>	<p>Risk of poor quality research and information collection if methodological processes are insufficiently developed and agreed</p> <p>In case of national co-financing, potential issues in relation to objectivity and independence</p> <p>Co-financed Network leads to administrative burden for Commission and potential delays to contracting</p>
Option 3	<p>Very wide scope and level of independency</p> <p>Increased “authority” (provided good quality work is delivered)</p> <p>Direct voice in policy debate and developments at EU level</p> <p>Enabling other actors to also voice their views</p> <p>Agency provides legal basis</p> <p>Agency has direct responsibility for national outposts</p> <p>Decision making involves Commission and Member States</p> <p>Working groups / committees steering content and method of work</p> <p>Current information system used and further developed</p> <p>Specific focus on enhancing data comparability / harmonisation</p>	<p>Agency may be premature as still politically sensitive</p> <p>An Agency issuing views may not receive Member State support</p> <p>Very resource intensive</p> <p>Risk of bureaucracy</p> <p>Potential coordination and national capacity issues especially during start-up phase</p> <p>Risk of poor quality research and information collection if methodological processes are insufficiently developed and agreed</p> <p>Transition from current structure would be difficult</p>

Legal base for the Network

Given the objective, tasks and structure envisaged for the EMN and which are embodied by option 2, it has been judged appropriate to propose a formal legal base, i.e. a Council decision that will define the above elements and give the EMN a solid foundation. The legislative option has a number of advantages:

- Its compulsory nature ensures that all Member States will participate in the EMN. Indeed, during the pilot/preparatory phase a large number of Member States have not participated in the EMN, thus depriving it of its potential to be a source of information covering the whole of the EU.
- It establishes a clear set of basic rules which are fundamental for the operation of the Network. The rules, however, avoid going too much into the detail, thus leaving room for flexibility and adaptation to future developments without need to modify the legal text.
- It gives visibility to the EMN.
- Through the adoption of the legislative instrument, Member States will show their support for this initiative and will become more involved in the project.
- The adopted text will provide the necessary basis for financing the Network in the long term.

A non-legislative option could have been envisaged as well. It would have provided more flexibility and could have been implemented more quickly without the need to go through a legislative procedure. This option, however, presented a number of setbacks: non-compulsoriness (= not all MS would participate); lack of visibility, basic rules and long-term perspective.

6. Commission draft proposal and justification

The main purpose of the proposal is to formalise the European Migration Network and to give it a proper legal base which describes its objective, tasks, structure as well as other important elements for the functioning of the Network, like the way it is financed and the establishment of an information system open to the public. The Commission proposal is largely based on option 2 described above, with some modifications.

Objective

The proposal describes the **objective of the Network** 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 Network 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 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 Network, 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 Network's annual programme of activities;
- Review progress made by the Network, making recommendations for necessary actions when required;
- Provide, at least once a year, a status report on on-going activities of the Network 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 Network, 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 and education aspects of migration, and representing all relevant stakeholders.

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

- General coordination of the Network;
- Adoption of the Network'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 Network 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 Network, including the information exchange system of the Network. 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 Network;
- Finally, the Commission will award operating grants, co-financing the annual work programmes of the National Contact Points which fulfil all the necessary requirements.

Information system and studies

It is essential for the Network 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 system** is managed by a service provider, under the supervision of the Commission. 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 Network.

The information system will inter alia contain the **studies and reports** prepared by the Network, 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 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, 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 on 1 January 2008. Therefore, for the period 2008-2013, there are foreseen appropriations of € 56.7 million.

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 Coordinator and other service providers.

The legislative financial statement and the ex-ante evaluation study²¹ contain more information about the financing of the EMN.

Subsidiarity

The 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 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. The proposed Decision pursues the objective of a coordinated and uniform Union-wide enhancement of information mechanisms related to all migratory phenomena.

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.

The 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.

²¹

Available online at
http://ec.europa.eu/justice_home/doc_centre/immigration/studies/doc_immigration_studies_en.htm

7. **How to monitor and evaluate the results and impacts of the proposal after implementation?**

First, one of the Commission's tasks (Article 6 of the proposal) is to "*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*". This amounts to a regular evaluation mechanism.

Second, among the tasks assigned to the Steering Board (Article 4 of the proposal) of the EMN figures "*to review progress made by the Network, making recommendations for necessary actions when required*". Such an ongoing review done within the Network will help it identify shortcomings at an early stage.

Third, in order to monitor if the EMN is effectively attaining its objective and fulfilling its tasks, the Commission will undertake a review on the application of the Council Decision no later than three years after its entry into force, and at least every three years thereafter (Article 13 of the proposal). This would allow the Commission to propose future improvements if shortcomings in the functioning of the EMN are identified. Financial resources for these evaluations have been foreseen in the financial statement.

In all cases, a number of indicators could be used to assess the performance of the Network:

- Number of publications, studies, reports
- Availability of such publications, studies, etc. in the website of the Network
- Visits to the website of the Network
- Organisation of conferences and meetings
- References to EMN publications in explanatory memorandums of national and EC legislation, in research works, etc.
- Degree of spending of the budget

Annex 1

Ensuring synergies: Relation of the EMN with other information exchange instruments and structures in the area of migration and asylum

Community instruments/structures

€ Mutual information mechanism

The Decision establishing a **mutual information mechanism** concerning Member States' measures in the areas of asylum and immigration, set up by Council Decision 2006/688/EC²², is intended to establish a regular exchange of information between national administrations and with the Commission on forthcoming or recently adopted measures which may have a significant impact on several Member States or on the European Union as a whole. The mechanism is not intended to function as a database. Neither analysis nor research is involved. No statistical reports or studies will be elaborated under this mechanism, which will not be open to the public. The exchanges of views and debates foreseen in the mechanism will just concern particular national measures which may have an impact on other Member States.

The Commission will, once a year, prepare a report summarising the initiatives in national immigration and asylum policies which have been transmitted through the mechanism. This report will serve as the basis for political discussions in the Council and will at the same time provide an overview of recent developments in the immigration and asylum area. If a particular policy trend at EU level is identified in this report, the EMN could focus some of its work on such a trend; this would need to be reflected in the Network's annual programme of activities. This way an important synergy could be created between the EMN and the mutual information mechanism.

In any case, the approach of the mutual information mechanism and of the EMN will not be the same: the former will deal with the measures from a political point of view, with discussions in some cases at the highest political level (Ministers), focusing on recent developments; the latter will analyse the measure from a more scientific, long-term, facts-based approach, avoiding as much as possible political discussions.

€ ICONet

The **ICONet**, set up by Council Decision 2005/267/EC²³, is another recently established information mechanism, of operational character and not open to the public. It solely focuses on information related to illegal immigration. Its essential elements are the following:

- (a) early warning system on illegal immigration and facilitator networks;
- (b) network of immigration liaison officers;
- (c) information on the use of visas, borders and travel documents in relation to illegal immigration;
- (d) return-related issues.

²² OJ L 283 of 14 October 2006, p. 40.

²³ OJ L 83, 1.4.2005, p. 48–5

This information is in most cases of confidential character and therefore access to the information system of ICONet is limited to enforcement bodies in the Member States. The purpose of ICONet is not to conduct research or to publish studies. There are clearly enormous differences with the objective, scope and tasks of the EMN, whose ultimate goal, as already stated, is to widely disseminate information related to all migratory phenomena.

€ Practical cooperation in the area of asylum

In the Hague Programme of 4-5 November 2004 the European Council called for the establishment of appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation towards three main objectives: achieving an EU wide Single Procedure; the joint compilation, assessment and application of Country of Origin Information; and how Member States can better work together to address particular pressures on asylum systems or reception capacities resulting from factors such as geographic location.

Following the mandate of the Hague Programme, the Commission has recently made proposals on this (Communication on Strengthened Practical Cooperation²⁴). The focus for practical cooperation in the area of asylum is to enable Member States to become familiar with the systems and practices of others, and to develop closer working relations among asylum services at the operational level. This will build a basis for wider areas of collaboration, with the development of trust and a sense of mutual interest. The main goal of practical co-operation is to improve convergence in decision-making by Member States within the framework of the rules set by the Community asylum legislation. In this view, strengthened cooperation will deliver a “common tool box” for asylum authorities of the Member States answering to daily and operational needs of practitioners in the EU.

The role of the EMN is to widely disseminate information on all migratory issues (including asylum), and thus the scope of its activities is not limited to coordination between national asylum services. Its studies and reports are not linked to operational cooperation between national services; they will provide a picture of the situation and trends concerning all migratory phenomena from a range of viewpoints, including statistical, legal, social and political aspects.

It is likely that, in the future, research made in the context of the EMN might support initiatives destined to reinforce practical cooperation. For instance, during its preparatory phase, the EMN has carried out a small-scale study on reception conditions for asylum-seekers in a number of Member States. The findings of such a study could be the basis for in-depth discussions in the context of reinforced practical cooperation towards improvements in the reception conditions for asylum-seekers in the EU. The EMN is therefore a complement and a support to reinforced practical cooperation, not a substitute for it.

€ National Contact Points on integration

The network of National Contact Points on integration was set up by the Commission as a follow-up to the Justice and Home Affairs Council conclusions of October 2002 where the need for exchange of information and best practice on integration and the establishment of a network was called for.

²⁴

COM(2006)67

The main objective of the network is to create a forum for the exchange of information and best practice between Member States at EU level with the purpose of finding successful solutions for integration of immigrants in all Member States and to ensure policy co-ordination and coherence at national level and with EU initiatives.

Concurrently the network should seek to find ways of operationalizing and structuring the implementation of these ideas and best practices at national and EU level. The long-term objective of the network is to develop and enhance the European framework for integration with a view to defining common basic principles and objectives, the setting of targets or benchmarks and strengthening coordination of national and EU policies on integration.

The main differences between the National Contact Points on Integration and the EMN are the following:

- The Contact Points on Integration do not focus on research, analysis and data. Their activities are rather oriented towards exchange of best practice and strengthening coordination of national policies;
- The Contact Points on Integration are always government officials active in the particular area of integration. The EMN experts, who might belong to non-governmental instances, will cover a wider spectrum of migratory issues;
- The products of the EMN are destined for the general public, while the activities of the Contact Points on Integration are in principle not disseminated to wider audiences²⁵.

Notwithstanding these differences, a cooperative relation can and should be envisaged between the EMN and the Contact Points on Integration. One could think, for example, of joint projects in the area of integration where the EMN would provide facts and data while the Contact Points on Integration would focus on best practice and analysis of national policies.

✶ *Statistics Regulation and Eurostat*

The Commission presented in September 2005 a proposal for a Regulation of the European Parliament and of the Council on Community statistics on migration and international protection²⁶. The objective is to formalise existing informal arrangements for the provision of statistics related to migration and asylum and to advance in the gradual harmonisation of European migratory statistics.

The proposal is currently under negotiation in the Council and the European Parliament.

The EMN will certainly be one of the main beneficiaries of improved EU migratory statistics. For its tasks of analysis and reporting, it will be able to use the statistics produced under the new legal framework. The EMN is not intended to produce statistics, as this is left for national statistical offices and, at EU level, for Eurostat. Eurostat will, in particular, be responsible for the compilation and publication of the statistics provided by the Member States under the Regulation. The publications by Eurostat may include some first description of new trends

²⁵ Although they play an important role in the preparation of the ‘Handbook on Integration’, which is widely disseminated.

²⁶ COM(2005)375

and developments but they do not substitute a proper in-depth analysis which will be ensured by the EMN through its annual statistical reports.

It is important to underline that, although one of the tasks of the EMN is to analyse and compare statistical data, this does not give it any 'exclusivity' at EU level to carry out such a task. The analyses and comparisons undertaken by the EMN will be carried out under its sole responsibility and will not bind any Community or national institution which may, when necessary, have recourse to analyses provided by other entities.

€ CIREFI

The remit of this Council body has been clearly defined in the Council's conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI). Information-sharing between Member States, including the exchange of monthly statistics on illegal immigration, is conducted on a voluntary basis, as those conclusions specifically ruled out the idea that CIREFI should have the power to issue instructions to Member States. CIREFI is meant to serve as a tool for the competent authorities of Member States in combating illegal immigration and people trafficking; it is run by the Council secretariat. Due to its sensitivity, part of the CIREFI data is restricted and not publicly available. Some of the CIREFI data, however, can be publicly disseminated and could therefore be analysed and researched by the EMN.

€ European Monitoring Centre on Racism and Xenophobia (EUMC) and Fundamental Rights Agency

The primary task of the European Monitoring Centre on Racism and Xenophobia (EUMC) is to provide the Community and its Member States with objective, reliable and comparable information and data on racism, xenophobia, islamophobia and anti-Semitism at the European level in order to help the EU and its Member States to establish measures or formulate courses of actions against racism and xenophobia.

On the basis of the data collected, the EUMC studies the extent and development of the phenomena and manifestations of racism and xenophobia, and analyses their causes, consequences and effects. It is also the task of the EUMC to work out strategies to combat racism and xenophobia and to highlight and disseminate examples of good practice regarding the integration of migrants and ethnic and religious minority groups in the EU Member States.

The very core of the EUMC's activities is the European Information Network on Racism and Xenophobia (RAXEN). It is designed to collect data and information at national as well as at the European level. This is accomplished via 25 National Focal Points, contracted by the EUMC to collect, coordinate and disseminate national and EU information in close cooperation with the EUMC.

Immigrants, refugees and asylum-seekers are some of the groups who suffer from racism and xenophobia. It is therefore necessary that the EUMC and the EMN work together to study and research a number of issues of common interest related to integration, diversity and discrimination. The Commission will ensure that the work of both structures will be complementary and not overlapping. This objective can be reached through a careful preparation of the annual programme of activities of both entities.

In 2007, the Fundamental Rights Agency has replaced the EUMC. Going beyond the work of the Monitoring Centre, the Fundamental Rights Agency will have three key functions: to collect information and data; provide advice to the European Union and its Member States and promote dialogue with civil society to raise public awareness of fundamental rights.

Other structures/mechanisms

€ OECD/SOPEMI

The OECD publishes every year a report on migration and asylum policy and trends covering its Participating States. This report is similar to the proposed EMN annual publication on policy developments and statistics. The EMN publication, however, would have the added value of focusing on the EU Member States, providing EU wide information that is currently difficult to extract from the OECD reports, as the latter cover not just the EU countries, but all the industrialised countries. Moreover the EMN would engage in specific analyses that are currently not carried out by the OECD. Finally, the EMN will keep a direct link to policy-makers in EU Member States and will be in a better position to reflect the political priorities of the Community in its work.

Notwithstanding the differences in scope of the OECD and EMN activities, a good cooperation between these structures would certainly be a positive development. Such cooperation is made possible through the possibility given to the Network in the legal basis to establish cooperative relationships with other organisations.

€ Council of Europe, UN organisations

The observations made above about the OECD are applicable, *mutatis mutandis*, to the Council of Europe or UN organisations, whose geographical scope is much wider than the EU. A cooperative relationship should however be envisaged.

Annex 2

Clarifications on the use of the increasing resources available for the European Migration Network

The financial framework for the period 2007-2013 forecasts the following maximum level of appropriations for the EMN (Budget line 18 03 05 "European Migration Monitoring Center")²⁷:

2007	2008	2009	2010	2011	2012	2013
€ 3*	€ 6.5	€ 8.8	€ 10.10	€ 10.30	€ 10.50	€ 10.50

* millions of €

Therefore, for the whole period, a total of € 59.7 million is forecast. However, the € 3 million foreseen for 2007 will not be used as the Network is expected to become operational on 1 January 2008. Therefore, for the period 2008-2013, there are foreseen appropriations of € 56.7 million.

These amounts must cover the following costs:

- Co-financing of 26 National Contact Points (up to 80%)
- Assistance 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 above shows a progression of the available funds for the EMN. The increase in resources must necessarily reflect an increase in the outputs of the EMN. Such outputs are in general linked to the objectives of the EMN, which are presented in Article 2 of the proposal, and in particular to the meetings of the Network (Article 7), the EMN Information system (Article 8), the EMN reports and studies (Article 9) and the cooperation of the Network with other entities (Article 10).

The EMN is expected to be able to meet its objectives gradually. Certain activities will start to be implemented immediately after the establishment of the Network while others will need a longer period to be fully undertaken. Thus it is expected that the workload of the Network will increase with time, and this is reflected in the gradual increment of resources for the EMN.

²⁷

See http://www.cc.cec/budg/bud/adopt/_doc/_pdf/2007/_pdf/doc5/annex4_heading3.pdf

The essential tool for the gradual increase of the EMN activities will be the annual programme of activities. According to Article 6, paragraph 3 of the proposal, *'After consultation of the Steering Board and the National Contact Points, the Commission shall [...] adopt the Network's annual programme of activities'*. The increase in available resources and the strengthening of the Network after a first setting up period will allow for the setting of more ambitious targets, which will be reflected in the annual programme of activities.

National Contact Points

The National Contact Points (NCPs) will be required, already in the first year of implementation of the Decision establishing the Network, to produce the annual report referred to in Article 9 *'describing the migration and asylum situation in the Member States, which shall include policy developments and statistical data'*. This is a minimum output which will progressively expand to include other reports and studies. The annual programme of activities established by the Commission will be the most appropriate tool for a progressive increase of the workload of the Network. Thus, for instance, if there appears to be a lack of information on the admission of a particular category of migrants, it could be specified in the annual programme that the EMN will prepare a study on that issue, presenting the different national approaches and advising a possible common way forward.

It must not be forgotten that the NCPs are also required by Article 5, paragraph 3, letter (d) of the proposal to *'establish national migration networks, composed of a wide-range of organisations and individuals active in the area of migration and asylum and representing all relevant stakeholders'*. The gradual establishment of such national networks will require human and financial resources which justify the progressive increase of resources for the NCPs.

Finally, there will be meetings to organise, travel expenses and salaries to cover, dissemination and supporting activities, etc. that will equally have to be financed by the budget of the National Contact Point.

Coordination tasks

The increase of the workload of the National Contact Points (NCPs) will lead to more activity for the service provider which assists the Commission with the coordination of the Network. The more reports and studies prepared by the NCPs, the more syntheses and compilations will be required from this service provider.

But reports and studies are not all: With time the Network is expected to create links with other organisations and networks, and it will be mainly the service provider who will be responsible for these networking tasks. Besides, the information system of the Network, managed by the service provider, will require constant updates and must be kept accessible and easy to use for the Community institutions, Member States' authorities and institutions and the general public.

Evaluation

Article 13 of the proposal requires the Commission to present a report on the development of the Network no later than three years after the entry into force of the Decision establishing the Network, and every three years thereafter. In order to support the Commission's work, it could prove necessary to engage the services of an external contractor with experience in evaluation. Therefore, resources are foreseen in years n+2 (2009) and n+5 (2012) for evaluation tasks.

Related activities, specific studies, statistics

Because of the very technical nature or the extra-EU scope of certain information and research activities, it could well be possible that the EMN would not be in a position to produce certain studies or reports needed for the further development of the common asylum and immigration policies. This is particularly the case for statistical activities that could require the assistance of researchers and academics or for studies covering areas outside the EU (for instance a study about the migration situation in certain countries of origin). The EMN budget line would then be used to finance these specific activities, which would not be directly carried out by the EMN members but which would nevertheless be closely linked to other EMN activities.

Relations of the Network with other entities

Article 10 of the proposal requires the Network to cooperate with '*entities in the Member States or in third countries, including international organisations, competent in the field of migration and asylum*'.

Resources must be available to make such cooperation work. They could be used, inter alia, to invite experts from entities with which the Network cooperates to the meetings of the Network; to support the participation of such entities in activities of the Network, e.g. the preparation of studies or reports; or to allow for study visits of members of the Network to third countries.

Resources reserved under this heading could also be used to finance any new NCP joining the Network if any country accedes to the EU during the period 2008-2013.

Support for new National Contact Points

At the end of the current preparatory action of the EMN, there are 17 National Contact Points, mainly from the 'old' 15 Member States. The majority of the 'new' 10 Member States have often sent representatives to the EMN meetings but have rarely taken part in research activities and the preparation of reports. From 1 January 2007, 2 new Member States with no EMN experience (Romania and Bulgaria) have joined the EU.

As participation in the Network will be compulsory from the entry into force of the Council Decision establishing the EMN, a special effort will have to be made to help those Member States with little or no EMN experience integrate in the Network as quickly and efficiently as possible. This will require training, support for acquiring IT and other equipment and other tailor-made supporting activities. There is therefore a need to reserve some resources in the budget of the first years of implementation of the EMN for supporting the new NCPs.