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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 3 October 2016

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2016) 6265 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 3.10.2016 on the
common monitoring and evaluation framework provided for in Regulation
(EU) No 514/2014 of the European Parliament and the Council [laying
down general provisions on the Asylum, Migration and Integration Fund
and on the instrument for financial support for police cooperation,
preventing and combating crime, and crisis management]

Delegations will find attached document C(2016) 6265 final.

Encl.: C(2016) 6265 final



Brussels, 3.10.2016
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COMMISSION DELEGATED REGULATION (EU) .../...

of 3.10.2016

on the common monitoring and evaluation framework provided for in Regulation (EU) No 514/2014 of the European Parliament and the Council [laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management]

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts under the provisions of Regulation (EU) No 514/2014 of 16 April 2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

In accordance with Article 55(4) of the Regulation, the purpose of this delegated act is to further develop the common monitoring and evaluation framework established by Article 55(3). In the context of ensuring accountability and transparency to EU citizens and the commitment to demonstrate the performance, impact and added value of EU-supported initiatives, monitoring and evaluation play a key role in providing the necessary evidence. A well-functioning monitoring and evaluation framework helps to assess the performance of financial instruments that support home affairs policies. This framework allows for better tracking and assessment of whether the regulation's and programmes' objectives are being met. It also permits better evaluation of the quality of delivered results. Monitoring and evaluation are the primary tools to identify whether greater direction towards the initially set objectives is needed and to capture the effects, results and impacts of the interventions.

The Regulation specifies the role of the Commission in carrying out regular monitoring of it, in cooperation with Member States where appropriate. In addition, the Regulation gives to the Commission, in partnership with Member States, the task to evaluate the implementation of the Specific Regulations referred to in its Article 2. The Regulation furthermore requires Member States to submit to the Commission annual implementation reports (Article 54) and evaluation reports (Article 57). These reports, together with the Commission's own data and analyses, form the basis for the evaluation reports that the Commission submits to the European Parliament, under Article 57(2).

This act further develops the modalities of the cooperation and partnership between the Commission and Member States regarding the common monitoring and evaluation framework. It proposes additional methods to facilitate monitoring and evaluation activities. Through close collaboration between the coordinators for monitoring and evaluation in the Member States and the Commission, and by developing sets of common result and impact indicators and evaluation questions, a uniform approach will be established. It will enable the Commission to report on the results achieved and the impact of the Regulations.

The adoption of this delegated act does not entail any costs for the EU budget.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission, appropriate and transparent consultations, including at expert level, have been carried out on this delegated act.

The Commission presented the draft provisions and held a dialogue with Member States on all aspects of the draft. This process helped to clarify the Commission's approach, and —

after hearing expert views — to further refine the draft text. Experts also submitted written comments following the meetings. These questions and comments were considered in preparing this Regulation and its annexes.

More specifically, this delegated act was discussed at expert group meetings, with participants from all Member States, on 2 and 3 July 2013, 16 October 2013, 5 February 2014, 4 February 2015, 16 June 2015 and 14 January 2016. The date, agenda and relevant documents for the meetings were duly notified to the European Parliament to enable it also to participate in the meetings.

A network of experts on monitoring and evaluation of the Asylum, Migration and Integration Fund and Internal Security Fund was set up with the participation of Member States representatives. This network met with the Commission services on multiple occasions in 2015 and 2016 to discuss and prepare the documents to be presented to the expert group meetings.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 55(4) of Regulation (EU) No 514/2014 empowers the Commission to adopt delegated acts developing further the common monitoring and evaluation framework.

COMMISSION DELEGATED REGULATION (EU) .../...

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on the common monitoring and evaluation framework provided for in Regulation (EU) No 514/2014 of the European Parliament and the Council [laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management]

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management,¹ and in particular Article 55(4) thereof,

Whereas:

- (1) In order to support the Commission in the monitoring and evaluation of Regulation (EU) No 514/2014 and the Specific Regulations referred to in its Article 2, and to enable an integrated analysis at Union level, Member States should follow a uniform approach, to the extent possible, when undertaking the monitoring and evaluation activities.
- (2) Monitoring and evaluation experts from Member States have cooperated with the Commission in the development of the common result and impact indicators, which should be used to assess the implementation of Regulation (EU) No 514/2014 and the Specific Regulations. These indicators complement the list of common indicators referred to in Annex II to Regulation (EU) No 513/2014 of the European Parliament and of the Council,² Annex IV to Regulation (EU) No 515/2014 of the European Parliament and of the Council,³ and Annex IV to Regulation (EU) No 516/2014 of the European Parliament and of the Council.⁴

¹ OJ L 150, 20.5.2014, p. 112.

² Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93).

³ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁴ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and

- (3) Monitoring and evaluation experts from Member States have cooperated with the Commission in the development of common evaluation questions to evaluate the implementation of national programmes by Member States. The evaluation questions comply with the requirements set out in Article 55(3) and (6) of Regulation (EU) No 514/2014.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 514/2014 and are, as a consequence, bound by this Regulation.
- (5) Denmark is bound neither by Regulation (EU) No 514/2014 nor by this Regulation, and is not subject to their application

HAS ADOPTED THIS REGULATION:

Article 1

Each Member State shall designate, within the Responsible Authority, a coordinator in charge of monitoring and evaluation and shall define their tasks.

The monitoring and evaluation coordinators shall, through networking facilitated by the Commission:

- (a) exchange expertise on best practices for monitoring and evaluation;
- (b) contribute to implementing the common monitoring and evaluation framework, as set out in Article 55 of Regulation (EU) No 514/2014 and complemented by this Regulation;
- (c) facilitate the evaluation of implementing national programmes, as set out in Articles 56 and 57 of Regulation (EU) No 514/2014 and complemented by this Regulation; and
- (d) collaborate with the Commission to develop a document providing guidance on how to carry out the evaluation referred to in Article 56(3) of Regulation (EU) No 514/2014.

Article 2

1. The evaluation reports referred to in Article 57(1) of Regulation (EU) No 514/2014 shall follow the template to be developed by the Commission, which will include the evaluation questions provided for in Annex I and Annex II to this Regulation.
2. The evaluation reports shall use the indicators set out in Annexes III and IV. The Commission shall set out the definition, source and baseline of the indicators listed in Annexes III and IV in the document providing guidance on how to carry out evaluations referred to in Article 56(3) of Regulation (EU) No 514/2014.

repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

3. The Member States shall submit the evaluation reports using the electronic data exchange system ('SFC 2014') established by Article 2 of Regulation (EU) No 802/2014.⁵
4. In accordance with Article 12(3) and (4) of Regulation (EU) No 514/2014, the Responsible Authority shall consult the monitoring committee on the annual implementation reports, and on the follow up to the conclusions and recommendations made in the evaluation reports, before the documents are submitted to the Commission.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 3.10.2016

For the Commission
The President
Jean-Claude JUNCKER

⁵ Commission Implementing Regulation (EU) No 802/2014 of 24 July 2014 establishing models for national programmes and establishing the terms and conditions of the electronic data exchange system between the Commission and the Member States pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management (OJ L 219, 25.7.2014, p. 22).