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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Commission proposals in the context of the Multiannual Financial Framework

- a) Regulation establishing the Asylum and Migration Fund (AMF)
- b) Regulation establishing the Border Management and Visa Instrument as part of the Integrated Border Management Fund (BMVI)
- c) Regulation establishing the Internal Security Fund (ISF)

- Policy debate

Reinforcing the external dimension of migration in Home affairs funds:

A challenge for flexibility, coherence and complementarity?

Introduction

On 13 June, as part of the next Multiannual Financial Framework (MFF) package, the Commission issued three sectoral proposals in the area of Home Affairs. The Funds/ instruments and their main objectives are as follows:

- The Asylum and Migration Fund (AMF) will provide support to the management of asylum and migration by Member States;
- The instrument for financial support for border management and visa (BMVI), as part of the new Integrated Border Management Fund, will ensure strong and effective European integrated border management at the external borders, safeguarding the free movement of persons within the Union;
- The Internal Security Fund (ISF) will aim at protecting citizens through prevention and coordination between police, judicial and other competent authorities.

The three legislative proposals largely build on existing Regulations¹ and take into account new policy developments since the European Agenda on Migration, the need to provide an agile response to evolving migration challenges both within the EU and in cooperation with other countries, the evolution of the new European Border and Coast Guard, the modernisation of the common Visa policy, the development of new large-scale IT systems, the European agenda on security, the intensified fight against terrorism, serious and organised crime and cybercrime, and the new interoperability agenda.

Drawing lessons from the past migration and security crises, and fully acknowledging that migration, border management and security will remain challenging areas in the future, the Commission proposed a significant reinforcement of the EU budget in the policy areas of *'Migration and Borders'* and *'Security'*. Nearly EUR 35 billion were earmarked for the programming period 2021-2027, tripling the initially allocated amounts included in the current MFF.

¹ The Asylum, Migration and Integration Fund (AMIF), the instrument for financial support for external borders and visa (ISF - Borders) and the instrument for financial support for police cooperation, preventing and combating crime and crises management (ISF - Police).

Discussions on the external dimension of migration

An Ad hoc Working Party on JHA Financial Instruments² is the Council's preparatory body dealing with the three legislative proposals. It has met in seven occasions under Austrian Presidency.

At its meeting on 1st October, the Working Party held an exchange of views on the potential inclusion of dedicated, significant components for external migration management in the two Funds and the instrument as mandated by the **European Council** conclusions of 28 June 2018³, beyond what it is already foreseen in the Commission's proposals. The implementation of any such dedicated components should take place in the most appropriate way, ensuring coherence and complementarity between all the instruments dealing with the external dimension of migration as proposed for the next MFF. The discussions were based on a Presidency questionnaire elaborating on the external dimension of migration and the Home Affairs Funds in the MFF post-2020⁴.

Subject to a further scrutiny of the draft Regulations, delegations supported the wide range of actions already identified in the proposals to appropriately manage migration flows. The broad eligibility criteria including the possible participation of third countries, legal entities established in third countries, international organisations or consortia were also welcomed by delegations.

JHA Funds: Which financial tool to ensure flexibility?

The Working Party agreed that the Union contributions should be disbursed either through programmes in Member States or through a thematic facility under various implementation methods. This facility includes emergency assistance, Union actions and specific actions which can top up national programmes. The thematic facility could be mobilised for any actions considered necessary to meet the objectives defined at EU level, including actions in third countries such as actions with the purpose of stemming illegal migration.

² Doc. 9983/18.

³ Doc. EUCO 9/18, point 9: *'In the context of the next Multiannual Financial Framework, the **European Council** underlines the need for flexible instruments, allowing for fast disbursement, to combat illegal migration. The internal security, integrated border management, asylum and migration funds should therefore include dedicated, significant components for external migration management.'*

⁴ Doc. 12272/18.

On the inclusion of dedicated components for tackling the external dimension of migration, most of delegations opted for an explicit inclusion in the thematic facility. This option provides enough flexibility to channel funds to the right component (either as emergency assistance, as Union action or through national programmes). Under this scenario, the thematic facility could dedicate a share of its financial envelope for external migration management.

Managing migration: a multidisciplinary approach

The external dimension of migration is present in several instruments. Instruments dedicated to external action (the proposed Neighbourhood, Development and International Cooperation Instrument, the EU Trust Fund for Africa) include migration management as an objective, therefore allocating resources to tackle the root causes of migration. These are the instruments that would fund actions in third countries and be complemented by the external dimension of the Home Affairs funds.

The European Council has recognized the need to allocate additional resources from the Home Affairs funds, with the objective to combat illegal migration. These funds already contain a wide range of actions that can be supported within the policy objectives defined, including managing illegal migratory flows.

As the policy objectives are similar in the different funds, we have to strive for complementarity between the different actions that support different aspects of migration policies. In the light of this, further reinforcing the external dimension of migration in the Home Affairs funds is less a question of policy coherence as such, than a challenge when it comes to governance and coordination. During the discussions at the Working Party, delegations underlined that an entity or body could have the overview of the different possibilities of funding and coordinate actions. This could be achieved through the set-up of a governance structure to ensure more visibility, transparency, better communication and involvement of Member States also ensuring the best possible use of EU funds in areas with EU added value.

Questions

In the light of the above, delegations are invited to answer the following questions:

1. Can you support that the thematic facility further reinforces the external dimension of all three funds and reserves an adequate share of its financial envelope to tackle the external aspects of migration?
 2. How can the coherence, complementarity and synergies among the different possibilities for EU funding in the field of migration be ensured? How can the coordination be made more effective?
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