

Annex

EUROPEAN RETURN FUND

2008-2013

COMMUNITY ACTIONS

ANNUAL WORK PROGRAMME 2011

1. POLICY CONTEXT

The European Council called in the Hague Programme for the establishment of an effective removal and repatriation policy, based on common standards, for persons to be returned in a humane manner and with full respect for their fundamental rights and dignity. The Stockholm Programme clearly identifies an effective and sustainable return policy as an essential element of a well-managed migration system within the European Union. The assistance on a voluntary basis to the Member States which face specific and disproportionate migratory pressure, more effective action against irregular immigration including by means of promoting support measures for return and reintegration, and increased practical cooperation between the Member States are among the actions that the Stockholm Programme explicitly mentions.

The cornerstone of the policy is the *Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals* which had to be transposed into national law by 24 December 2010. To ensure correct implementation of the Return Directive, the Commission has launched a study under 2010 Community actions aiming to evaluate the implementation of the directive in the Member States.

The Return Fund "Community Actions 2009" focused very much on humane treatment of returnees during forced return (joint return operations and study on forced return monitoring) and horizontal return issues like the cooperation with third countries, the treatment of minors in the return process and the link between pre-departure and post-arrival reintegration measures. Community Actions 2010 targeted voluntary return and reintegration activities. 2011 is the first year of the practical application of the Return Directive. It is therefore appropriate to address some specific measures that are related to the implementation of the Return Directive. At the same time, the considerable burden of irregular immigration that some Member States are facing needs to be addressed.

The Community Actions 2011 will pursue further good practices in implementation of one of the key aspects of the Return Directive: an effective, independent forced-return monitoring system provided for in Article 8 (6) in order to ensure that return operations are carried out with respect to the dignity of returnees. Some Member States already have accumulated certain experience in this field, while others are only taking the first steps. The same can be said about the independent monitors who are a crucial guarantee for the success of the monitoring tasks.

A very important and complex aspect of return policy is the return of minors. The Return Directive specifies that all actions undertaken when implementing the directive shall take due account of the best interests of the child. Under the 2009 Return Fund Community Actions, the Commission launched a study on the return of minors entitled 'A Comparative Study on Best Practices in the Field of Return of Minors' which will shed a light on the situation in the EU Member States and provide information on best practices. Under 2010 Community Actions, cooperation in the field of reintegration activities is addressed with a particular emphasis on vulnerable groups, in particular unaccompanied minors. In most cases, the best interest of the child is return to his/her family, which in certain cases is quite difficult to trace. 2011 Community actions under the Return Fund should provide for a platform to address this challenge.

At the same time, the Return Fund stands ready to assist Member States that are under considerable pressure of irregular migration. Decisions in relation to return and their implementation might require substantial time and resources. The latest data available shows the acute need to mobilise the resources that the EU has at its disposal to address the imminent challenges the Member States closest to the North African shores may be facing. According to the data from Italian Ministry of Interior, the figure for 2011 of landings on Italian shores from Tunisia alone reached almost 15 thousand individuals at the second half of March, while the respective figure for the entire 2010 was only 25. The need to properly address this humanitarian emergency might require using the entire allocation of the Community Actions 2011 for the emergency measures. A special area that needs particular attention and specialised approach is support to the vulnerable and disadvantaged returnees. This support has to take into account the specific situation of each individual since their needs are quite diverse: it can be medical help, education allowance or specially tailored reintegration assistance prior to or after return.

Finally, although a successful return that respects human dignity is essential, it is only the beginning of a life back home. Very often EU has limited knowledge on the challenges people face after return. Under the Community Actions 2011, first steps should be taken to monitor the situation of persons returned under the EU Readmission Agreements.

2. LEGAL BASIS

The Decision of the European Parliament and of the Council No 575/2007/EC of 23 May 2007 establishes the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (see OJ L 144, 6.6.2007, p.45) (hereafter 'the Decision').

3. GENERAL OBJECTIVES AND FINANCIAL BREAKDOWN

The objective of the Fund is to support the efforts made by the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by providing for joint actions to be implemented by Member States or national actions that pursue EU objectives under the principle of solidarity, taking account of EU legislation in this field and in full compliance with fundamental

rights of returnees. The Fund is part of a policy mix of instruments and measures available to the EU for integrated management of returns as outlined in Section 1 above.

The bulk of resources available for the Fund is allocated to the Member States¹ each year (shared management), in order to support actions relating to the general objectives defined in Article 2 of the Decision.

In accordance with Article 6(1) of the Decision, the Commission may use up to 7% of the Fund's available resources to finance transnational actions or actions of interest to the European Union as a whole (hereinafter referred to as 'Community actions'). The budget for Community Actions for 2011 amounts to 8.200.000 €². It will be allocated to grants, including emergency assistance provided to the Member States in duly substantiated emergency situations.

The indicative budget for the call for proposals shall be determined based on the amount available for Community Actions after deducting of the budgetary resources for emergency measures already awarded at the moment of the launch of the call. Appropriate account of budgetary availability will be taken into consideration in case of receiving applications for emergency measures between the launch of the call and the end of 2011.

4. BUDGET LINE

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5. COMMUNITY ACTIONS (GRANTS)

5.1 PRIORITIES OF THE YEAR, OBJECTIVES AND FORESEEN RESULTS

Priorities

The amount available reserved by the Commission services in accordance with Article 6 should be used for the following priorities defined in Article 6(2) (a), (b), (e) and (h) of the Decision:

- (a) further Community cooperation in implementing Community law and good practices;
- (b) support the setting-up of transnational cooperation networks and pilot projects based on transnational partnership between bodies located in two or more Member States designed to stimulate innovation, facilitate the exchange of experience and good practice and improve the quality of return policy;

¹For the purpose of the European Return Fund and in line with Decision No 575/2007/EC, the term "Member States" covers all Member States with the exception of Denmark.

²) Subject to the adoption of the draft amending budget n°4 by the budgetary authority.

(e) support pilot projects and studies exploring the possibility of new forms on Community cooperation and Community law in this area;

(h) provide Member States with support services in case of duly substantiated emergency situations requiring urgent action.

Objectives

1. Ensuring sustainability for vulnerable or disadvantaged people after the return;
2. Family tracing of returned unaccompanied minors;
3. Reception centres for returned unaccompanied minors;
4. Monitoring of forced return operations;
5. Monitoring the situation of persons readmitted under the EU Readmission Agreements;
6. Support to Member States in duly substantiated emergency situations requiring urgent action.

Expected results

Support to the Member States in duly substantiated emergency situations provided.
20-30 projects selected. Selected projects should enable progress to be made in achievement of one or more of the objectives within the priorities defined above.

5.2 IMPLEMENTATION

The implementation of the annual work programme is set as follows:

Objective of Community actions	Implementation
Objective 1 Ensuring sustainability for vulnerable or disadvantaged people after the return	Grants will be implemented pursuant to a call for proposals.
Objective 2 Family tracing of returned unaccompanied minors	Grants will be implemented pursuant to a call for proposals.
Objective 3 Reception centres for returned unaccompanied minors	Grants will be implemented pursuant to a call for proposals.

Objective 4 Monitoring of forced return operations	Grants will be implemented pursuant to a call for proposals.
Objective 5 Monitoring the situation of persons returned under the EU Readmission Agreements	Grants will be implemented pursuant to a call for proposals.
Objective 6 Support to Member States in duly substantiated emergency situations requiring urgent action	Grants will be awarded for exceptional and duly substantiated emergencies in accordance with Article 168(1) (b) of the Implementing Rules without a call for proposals.

5.3 TIMETABLE FOR THE CALL FOR PROPOSALS

Publication of the call for proposals and deadline for submission of proposals	Third quarter of 2011
Evaluation of projects and award decision	Fourth quarter of 2011

5.4 RATE OF CO-FINANCING

Maximum rate of co-financing - 90% of the eligible costs

5.5 EXCLUSION AND ELIGIBILITY CRITERIA

Exclusion criteria

The organisations involved in the project must not be in one of the situations listed in article 93 and 94 of Council Regulation No 1605/2002 of 25 June 2002³ on the Financial Regulation applicable to the budget of the European Union.

Eligibility criteria

In addition to meeting all technical requirements which will be detailed in the call for proposals, projects must meet the following criteria:

- Applications must be submitted within the deadline mentioned in the call for proposals;
- Actions should be developed and implemented in partnership between eligible entities in accordance with the requirements defined in the call for proposals.

³ OJ L 248, 16.09.2002, p. 1. Regulation as last amended by Council Regulation No 1995/2006 of 19 December 2006 (OJ L 390, 30.12.2006, p. 1)

Applications submitted for emergency assistance will not be subject to the call for proposals (re. Article 168(1) (b) of the Implementing Rules), subsequently, the eligibility criteria specified above will not be applicable. In this case, an application for funding must be sent to the Commission. Only Member States and/or International Organisations may apply.

Eligible costs must be directly related to the emergency situation and necessary to respond to the situation, such as costs for reinforcing the operational capacity of border guard services, infrastructure, equipment and staff costs.

5.6 SELECTION AND AWARD CRITERIA

Selection criteria

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out and to participate in its funding. They must have the professional competencies and qualifications required to complete the proposed action or work programme and have expertise in the field.

Award criteria

The Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out in the call for proposals, the essential award criteria being relevance, the added value of the proposal, clarity, feasibility, impact of the proposed action and its value for money.

For grants awarded without a call for proposals, the award criteria will be relevance of the proposal and the estimated impact of the proposed activities on the crisis situation.

5.7 FORM OF THE GRANTS AND VALUE

Grants shall be covered by a written agreement. The necessary co-financing must be assured at the date of the application. European Union funding per project may not be less than a set indicative minimum amount - 100.000 €
The duration of projects should not exceed 18 months.