

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Ex-post evaluation of the European Return Fund for 2011-2013		
LEAD DG – RESPONSIBLE UNIT	HOME E.2	DATE OF THIS ROADMAP	09 / 2015
TYPE OF EVALUATION	Evaluation	PLANNED START DATE	09 / 2015
	Ex-post	PLANNED COMPLETION DATE	12 / 2016
	Mixed	PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
<p>The purpose of this ex-post evaluation of the European Return Fund for 2011-2013 is:</p> <ul style="list-style-type: none"> to meet the legal obligations for monitoring, evaluation and reporting on the Fund (please see section A.2); to ensure transparency and accountability for the implementation of the Return Fund, the general objective of which is to support and encourage the efforts made by the Member States in integrated return management; to contribute to making the future implementation of EU financial instruments in the field of return more relevant, effective, efficient, sustainable and coherent.
(A.2) Justification
<p>According to Article 18(3) of Commission Delegated Regulation (EU) No 1268/2012¹, all programmes or activities, where the resources mobilised exceed EUR 5 000 000 shall be subject of an interim and/or ex-post evaluation in terms of the human and financial resources allocated and the results obtained in order to verify that they were consistent with the objectives set.</p> <p>The legal basis for the evaluation of the Return Fund actions for 2011-2013 is Articles 49 and 50 of Decision No 2007/575/EC² according to which the Commission shall submit by 31 December 2015 to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions ex-post evaluation report. Article 31(5) and (6) of the Regulation (EU) No 516/2014³ confirm this obligation.</p> <p>The deadline of 31 December 2015 cannot be met as the Commission's ex-post evaluation report has to take account of the national (ex-post) evaluation reports to be submitted by the Member States. The deadline for those, provided in the legal basis is 30 June 2015. Considering that the eligibility period of the 2013 annual programmes for the Return Fund ends on the same day (30 June 2015), it is not feasible to finalize national ex-post evaluation at the same moment of time as the implementation ends. The national evaluation reports will, therefore, be provided to the Commission by 30 November 2015. Consequently, also the ex-post evaluation report of the Commission is prepared with a delay in comparison with the deadline set in the legal basis. The targeted date for</p>

¹ Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, OJ L 362, 31.12.2012, p. 1.

² Decision No 2007/575/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows', OJ L 144, 6.6.2007, p. 45.

³ 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 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.

the submission of the report to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions is 31 December 2016.

B. Content and subject of the evaluation

(B.1) Subject area

The Return Fund was established for the period 2008 to 2013 as one of four funds under the General Programme "Solidarity and Management of Migration Flows".

The Return Fund has been implemented via actions under annual programmes of all EU Member States, except Denmark⁴ (shared management – 95%) and Community actions (direct or joint management – 5%). The Return Fund annual programmes of the Member States (referred to in Article 21 of Decision No 2007/575/EC) were drafted on the basis of the Return Fund 2008-2013 multi-annual programmes of all participating Member States, and implemented by the authorities of these under the shared management mode. Article 4 of Decision No 2007/575/EC lays down the actions eligible under the Return Fund annual programmes which, among others, include:

- the establishment or improvement of an effective, stable and lasting operational cooperation of Member States' authorities with authorities of third countries;
- the facilitation of voluntary returns of third-country nationals, in particular through assisted voluntary return programmes;
- developing modes of cooperation between different levels of national, regional, local, urban and other public authorities;
- the simplification and implementation of enforced returns of third-country nationals who do not or no longer fulfil the conditions for entry and stay.

The Return Fund allocations for the annual programmes were determined on the basis of a methodology defined in Article 14 of Decision No 2007/575/EC.

The Return Fund Community actions were implemented under the direct management mode and joint management mode. The direct management mode projects were supported by grants awarded by the Commission or via contracts for services concluded following the calls for tenders published by the Commission. Article 6 of Decision No 2007/575/EC lays down the Community actions eligible under the Return Fund (including emergency cases), which, among others, include:

- further Community cooperation in implementing Community law and good practices;
- support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships 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;
- support transnational awareness-raising campaigns;
- support studies, dissemination and exchange of information on best practices and all other aspects of return policies, including on the use of state-of-the-art technology, in particular to encourage more comparative research relating to the impact of past and present return programmes;
- support pilot projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area;
- support the development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of return, in particular with a view to the dissemination of statistics disaggregated according to voluntary and forced returns;
- support the development and regular updating, in cooperation with the Agency, of a common handbook on

⁴ Denmark does not participate in Title V 'Area of Freedom, Security and Justice' in the Treaty on the European Union

best practices in the field of return, including on escorts;

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

(B.2) Original objectives of the intervention

According to Article 2 of Decision No 2007/575/EC, the general objective of the Return 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 Community objectives under the principle of solidarity, taking account of EU legislation in this field and in full compliance with fundamental rights.

Specific objectives of the Return Fund, corresponding to the general objective, were defined by Article 3 of Decision No 2007/575/EC:

- the introduction and improvement of the organisation and implementation of integrated return management by Member States;
- the enhancement of the cooperation between Member States within the framework of integrated return management and its implementation;
- the promotion of an effective and uniform application of common standards on return in line with policy developments in this field.

In addition to the general and specific objectives, Commission Decision No 2007/837/EC (Strategic guidelines) defined the following four priorities for the Return Fund:

- support for the development of a strategic approach to return management by Member States;
- support for the cooperation between Member States in return management;
- support for specific innovative (inter)national tools for return management;
- support for Community standards and best practices on return management.

(B.3) How the objectives were to be achieved

The initial description of the Intervention Logic is based on the general and specific objectives, the priorities (described in the section above) as well as on the types of activities, funded by Return Fund.

In particular, the Return Fund objectives were to be achieved by the implementation of actions supported by the Fund specified in Article 4 of Decision No 2007/575/EC. The actions funded by the Return Fund included, among others:

- voluntary return and reintegration programme actions;
- enforced returns, including joint flights between Member States;
- co-operation with third countries, aiming at setting the pre-conditions for returns (identification and obtaining travel documents);
- training and capacity building measures;
- support for innovative tools;
- investments in the pre-removal detention centres (infrastructure as well as the running costs);
- counselling services and medical care in the detention centres;
- testing new working methods to speed up the process of providing returnees with documentation;
- cash-incentive schemes for voluntary return projects.

The Intervention Logic will further be developed during the Inception Phase of the Ex-post evaluation in view to elaborate a comprehensive overview on of how different parts of the FUND set-up interacted between each other.

C. Scope of the evaluation/FC

(C.1) Topics covered

The evaluation will cover the following:

- Actions supported under the 2011, 2012 and 2013 annual programmes of 27 participating Member States.

The evaluation will cover the eligibility period 1 January 2011 – 30 June 2015.

- The Return Fund Community Actions supported under the 2010, 2011, 2012 and 2013 annual work programmes (including the emergency actions), i.e.
 - 6 under the 2010 annual work programme (all implemented after 1 January 2011);
 - 11 under the 2011 annual work programme;
 - 10 under the 2012 annual work programme;
 - 9 under the 2013 annual work programme.

Community Actions under the 2010 annual work programme will be covered by the evaluation as they were all implemented after 1 January 2011. The period covered by the evaluation will be 1 January 2011 – 31 March 2016⁵.

(C.2) Issues to be examined

The evaluation will examine the implementation of actions co-financed by the Return Fund and assess their relevance, effectiveness, efficiency, sustainability, coherence and complementarity, and EU added value.

Under the relevance theme, the evaluation will examine to what extent the Return Fund objectives implemented by eligible actions in 2011-2013 corresponded to needs in the field of return management.

Under the effectiveness theme, the evaluation will examine to what extent the Return Fund 2011-2013 actions contributed to the achievement of the objectives defined in Articles 2 and 3 of Decision No 575/2007/EC and to the priorities defined by Decision No 2007/837/EC.

Under the efficiency theme, the evaluation will examine to what extent the effects of the Return Fund 2011-2013 actions were achieved at a reasonable cost in terms of financial and human resources deployed.

Under the sustainability theme, the evaluation will examine to what extent the positive effects of the Return Fund 2011-2013 actions lasted after the interventions were terminated.

Under the coherence and complementarity theme, the evaluation will examine to what extent the Return Fund 2011-2013 actions were coherent with and complementary to other actions in the field of return management financed by other EU financial instruments and from national resources of the Member States, including the activities of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) providing EU Member States with the necessary support in organising joint return operations.

Under the EU added value theme, the evaluation will examine what is the additional value resulting from the Return Fund 2011-2013 actions compared to what the Member States would have been able to carry out through investments necessary for the implementation of the EU policies in the field of return management without the support of the Return Fund 2011-2013 actions.

(C.3) Other tasks

The evaluation will include an analysis of national evaluation reports which are submitted by the participating Member States in accordance with Article 50(2) of Decision No 2007/575/EC to the Commission by 30 November 2015. This analysis will be fully integrated into the evaluation work which together with the analysis of other data to be collected will be the basis for answering to the evaluation questions.

Apart from the reporting on the common indicators (please see section D.1 below) and a brief description of the implementation of the national annual programmes, the national evaluation reports will provide answers to a number of common evaluation questions, covering the themes of relevance, effectiveness, efficiency, sustainability, coherence and complementarity, and EU added value. The analysis of the national evaluation reports will be the main basis for the answering of the evaluation questions at the EU level.

⁵ Some of the projects will not be completed yet at this date

D. Evidence base

(D.1) Evidence from monitoring

The information on the progress against the indicator targets defined in the annual programmes is provided in final reports on implementation submitted by the Member States nine months after the end of the eligibility period for the annual programme concerned (i.e. reports for 2012 were submitted by 31 March 2015, and reports for 2013 are due by 31 March 2016).

The Member States which requested the payment of a second pre-financing submitted also progress reports, which in addition to the final reports, may provide further details on the implementation of the annual programmes.

Indicators used in the national annual programmes vary between years and Member States, and therefore cannot be aggregated at the EU level. In order to address this issue, DG HOME developed a set of common ex-post indicators in 2014 and requested the Member States to provide values for these as part of their national (ex-post) evaluation reports for 2011-2013⁶ to be submitted to the Commission by 30 November 2015.

In addition to the final, progress and evaluation reports provided by the Member States, the Commission has carried out its own monitoring visits. Commission reports from these visits will also be one of the sources of information for the evaluation.

(D.2) Previous evaluations and other reports

The following evaluation reports will also be taken into account:

- Synthesis of the findings in the national ex-post evaluation reports under the Return Fund 2008-2010;
- Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the results achieved and on qualitative and quantitative aspects of implementation of the European Return Fund for the period 2008-2009 (COM(2011) 858 final/2);
- Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the results achieved and on qualitative and quantitative aspects of implementation of the European Return Fund for the period 2008-2010 (COM(2014)230);
- Special Report of the Court of Auditors No 15/2014 "The External Borders Fund has fostered financial solidarity but requires better measurement of results and needs to provide further EU added value", and especially its observations relevant to this evaluation.

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

The evaluation will take into account annual audit reports for the Return Fund 2011-2013 annual programmes drafted by the national Audit Authorities, as well as audit reports drafted by the DG HOME auditors and the Court of Auditors.

(D.4) Consultation

DG HOME will carry-out an internet based public open consultation (using a questionnaire) covering all of the main elements of the evaluation in spring 2016. The purpose of the consultation will be to collect opinions of the general public on the importance and EU added value of the funding under Return Fund as well as feedback from the general public (including third-country nationals) on their experience with participation in return-related actions. It will ask if they think that support to the efforts made by the Member States in integrated return management is a good thing to be done, how strong it should be and identify possible weak points.

In addition, during this evaluation, the external contractor will carry out a number of interviews with various stakeholders that have been involved in the implementation of the fund (e.g. European Commission officials in charge of the funds' management and coordination, Member States authorities, international organisations – UNHCR, IOM –, non-governmental organisations – OEI, Terre des Hommes –, and beneficiaries) in order to collect their data, views and opinions and to complete the answers to the evaluation questions.

(D.5) Further evidence to be gathered

The following additional documents and data sources will be covered under the desk research stage of the evaluation:

⁶ These are submitted by the participating Member States in accordance with Article 50(2) of Decision No 2007/575/EC to the Commission.

- Relevant legal acts (Decisions No 2007/575/EC, No 2007/837/EC and No 2008/458/EC);
- Directive 2008/115/EC of the European Parliament and of Council;
- Communication from the Commission to the Council and the European Parliament on EU Return Policy (COM(2014) 199 final, 28.3.2014);
- Communication from the Commission to the Council and the European Parliament on EU Action Plan on Return (COM(2015) 453 final)
- Commission recommendation establishing a return Handbook to be used by Member States' competent authorities when carrying out return related tasks (C(2015)6250 final)
- Return Fund 2008-2013 multi-annual programmes of the Member States;
- Return Fund 2011, 2012 and 2013 annual programmes of the Member States;
- Descriptions of the Management and Control Systems for the Return Fund in the Member States;
- Annual Work Programmes for the 2010, 2011, 2012 and 2013 Return Fund Community actions;
- Solid Guidance Notes SOLID/2008/21 (Guidance note on eligibility of actions (and related costs) under the Return Fund in relation to the directive on common standards for return procedures in the Member States) and SOLID/2012/15 (Guidance on 2013 annual programmes - Guidance on financing of costs related to detention under the Return Fund (running costs and construction) in line with the Return Directive);
- EUROSTAT statistics;
- Any reports on financial and system audits as well as compliance checks with the relevant provisions of the legal base will also be taken into account.

E. Other relevant information/ remarks

While retaining the responsibility for the evaluation and its management, the Commission will rely on an external evaluation study, in order to ensure the highest possible credibility for the evaluation findings and to mobilise professional evaluation expertise.