

Annex

EUROPEAN RETURN FUND

2008-2013

COMMUNITY ACTIONS

ANNUAL WORK PROGRAMME 2013

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* (the Return Directive). The Commission will follow and monitor the implementation process for the directive as well as systematically launch the infringement procedures against those Member States which have not transposed the Directive correctly. At the same time, it is important that the Member States have a possibility to join their efforts and exchange experience in adequate application of the return *acquis*. The Community Actions of the Return Fund (RF) is an excellent instrument to encourage and foster such cooperation.

Community Actions 2010 targeted voluntary return and reintegration activities. The call for proposals under Community Actions 2011 was mainly designed to practically implement the best practices identified in the studies on forced return monitoring, return of minors and interlinking of reintegration measures, undertaken under previous RF Community Actions. The 2012 work programme was as an opportunity to consolidate and replicate the experience gained so far by encouraging exchange of experience between different actors of the return community

The 2013 work programme is seen as an opportunity to build upon the experiences and results gained so far by encouraging the continuation of EU wide information exchange of all relevant stakeholders on voluntary return.

In order to provide continued encouragement to best practices in forced return monitoring, including those identified in the respective study conducted under the

Community Actions 2009¹, the 2013 work programme re-affirms the objective already launched under the 2011 and 2012 Community Actions: an effective, independent forced-return monitoring system provided for in Article 8 (6) of the Return directive in order to ensure that return operations are carried out with respect to the dignity of returnees.

Another objective of the work programme 2013 is reintegration measures accompanying the return of specific categories of returnees, requiring tailored assistance and support prior to and after return, in order to make return sustainable. This builds upon the 2011 work programme which aimed at sustainable measures protecting vulnerable or disadvantaged people after return and the 2012 work programme which focused on victims of trafficking. The work programme 2013 will provide for tailor made approaches including the categories of returnees covered by the 2011 and 2012 work programme, but not limited to these.

Furthermore, return operations could be enhanced through a better cooperation between Member States by deploying liaison officers in third countries, operating on behalf of several Member States, assisting in the different tasks like contributing to identification of returnees, acquisition of travel documents and assistance in third countries upon arrival of the returnees.

At the end of 2013, the first report on the application of the Return Directive is due. The legislation (and so the Return Directive) proposed by the Commission and adopted by Parliament and Council, is affected sometimes in a fundamental way, by the rulings of the Court of Justice. In the last three years, national Courts submitted several preliminary questions related to the interpretation of the Return Directive to the European Court of Justice (ECJ). The ECJ already delivered four judgements (in cases C-357/09, C-61/11, C-329/11 and C-430/11) in which it clarified the impact of certain provisions (mainly related to detention) of the Return Directive on national law. At least one more case is pending. At the national level, the Return Directive is already subject of intensive judicial discussion and review up to the highest Courts. The return practitioners and judges are not always aware of the judgements in other Member States which could help similar cases examined in their own country. The need to improve (and first of all) enable the exchange of information among national judicial bodies on the Return Directive related case law is obvious. In this regard, practical steps can be undertaken by setting up a database on return related case law or examining other tangible means to improve the access to information from national courts.

Finally, as noted in the previous work programmes, the Return Fund should stand ready to assist Member States that are under considerable pressure of irregular migration. The migration pressure continues to be present at certain sections of the EU's external borders. It cannot be excluded that additional resources might be required to manage the migration flows. The need to properly address such emergencies might require using part of or even the entire allocation for the Community Actions 2013 for emergencies.

¹ Available on the DG HOME website:
http://ec.europa.eu/homeaffairs/doc_centre/immigration/docs/studies/Forced%20Return%20Monitoring%20Study%20Final%20Report.pdf

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 the resources available for the Fund is allocated to the Member States² 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 2013 amounts to 12 985 000 €. The indicative budget for the call for proposals is 4.485.000 € whereas an amount of 6.000.000 € is set aside for emergency measures. The remaining budgetary envelope to be used for joint management actions with international organisations (IOM) 2.000.000 € and procurement 500.000 €

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:

²For 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.

- (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;
- (d) 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;
- (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. Continuation of an EU wide information exchange of all relevant stakeholders on voluntary return, building upon the achievements of the Voluntary Return European Network (VREN);
2. Further development of the monitoring of forced return operations;
3. Reintegration measures accompanying tailor made approaches for the return of specific groups of returnees;
4. Enhance cooperation between Member States in return operations by deploying return liaison officers in third countries;
5. Enabling information exchange among national judicial bodies on Return Directive related case law;
6. Other forms of cooperation and exchange of best practices related to certain aspects of return;
7. Support to Member States in duly substantiated emergency situations requiring urgent action.

Expected results

- Continued exchange of experience of all relevant stakeholders on voluntary return;
- Several forced return operations monitored (with an emphasis on the good practices) best practices are developed and shared among different bodies responsible for monitoring of such operations in the Member States;
- Specific measures implemented, targeting the sustainable return of specific categories of returnees through the provision of reliable reintegration assistance;

- Improvement in organisation of return operations through the presence of return liaison officers operating in third countries on behalf of several Member States;
- Information exchange amongst national judicial bodies on Return Directive related case law is enabled and encouraged.
- Support to the Member States in duly substantiated emergency situations provided;
- 15-20 projects selected. Selected projects should enable progress to be made in achieving 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 EU wide information exchange of all relevant stakeholders on voluntary return, building upon the achievements of the Voluntary Return European Network (VREN)	Grants will be implemented pursuant to a call for proposals.
Objective 2 Monitoring of forced return operations	Grants will be implemented pursuant to a call for proposals.
Objective 3 Reintegration measures accompanying the return of specific categories of returnees	Grants will be implemented pursuant to a call for proposals.
Objective 4 Deployment of return liaison officers	Grants will be implemented pursuant to a call for proposals.
Objective 5 Information exchange among national judicial bodies on Return Directive related case law	Grants will be implemented pursuant to a call for proposals.
Objective 6 Other forms of cooperation and exchange of best practices related to certain aspects of return	Grants will be implemented pursuant to a call for proposals.

<p>Objective 7</p> <p>Support to Member States in duly substantiated emergency situations requiring urgent action</p>	<p>Grants will be awarded for exceptional and duly substantiated emergencies in accordance with Article 168(1) (b) Implementing Rules without a call for proposals.</p>
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5.3. Timetable

Publication of the call for proposals and deadline for submission of proposal is foreseen for the third quarter of 2013.

Evaluation of projects and award decision is foreseen for fourth quarter of 2013.

5.4. Rate of co-financing

Maximum rate of co-financing is 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 106 and 107 of Regulation No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the Financial Regulation applicable to the budget of the European Union.

Eligibility criteria

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.

Applications submitted by the Member States for emergency assistance will not be subject to the call for proposals (re. Article 190(1) (b) of the Rules of Application), subsequently, the eligibility criteria specified above will not be applicable.

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 demonstrate 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 cost-effectiveness.

5.7. Form of the grants and value

Grants shall be covered by a written agreement. The necessary co-financing must be assured, should the application be awarded. The indicative minimum amount of European Union funding per project is 100.000 €

The duration of projects should not exceed 24 months.

5.8. Joint management with international organisations

The objective of the cooperation with International Organisation for Migration (IOM) under joint management is to establish continuous, effective support to the Member States in setting up and further development of coordinated, effective assisted voluntary return (AVR) management system. The IOM is an international organisation with a broad range of expertise in the field of migration management, for which standards offering guarantees equivalent to internationally accepted standards in accounting, audit, internal control and procurement procedures have been verified and recognised by the European Commission. The budgetary envelope to be used for joint management actions is 2.000.000 €

6. PROCUREMENT

The maximum global budgetary envelope to be used for procurement will be 500.000 € covering 1-2 service contracts.

Service contracts will help implement the political priorities in the area of return, in particular as regards the reporting on the application of the Return Directive (2008/115/EU) and its follow-up.

The tenders will be launched in the 2nd-4th quarter of 2013.