

**Annex**  
**ERF Community Actions**

**EUROPEAN REFUGEE FUND 2008-2013**  
**COMMUNITY ACTIONS**

**(Article 4 of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007)**

**ANNUAL WORK PROGRAMME 2009**

**INCLUDING BUDGETARY IMPLICATIONS AND SELECTION CRITERIA**

**1. GENERAL OBJECTIVES**

**1.1. Current situation**

Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 established the European Refugee Fund (ERF III) for the period 2008 to 2013 to support and encourage Member States' efforts in receiving refugees and displaced persons (see Official Journal L 144, 6 June 2007).

The objective of the European Refugee Fund for the period 2008 to 2013 is to support and encourage the efforts made by the Member States in receiving, and in bearing the consequences of receiving, refugees and displaced persons, taking account of Community legislation on those matters.

In this regard, 90 % of the funds available are allocated to Member States each year, in order to support actions relating to:

- reception conditions and asylum procedures;
- integration of persons referred to in Article 6 of Decision No 573/2007/EC whose stay in the Member State is of a lasting and stable nature;
- enhancement of their capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing and future Community legislation relating to the Common European Asylum System, in particular with a view to engaging in practical cooperation activities between Member States;
- resettlement of persons referred to in Article 6(e) of Decision No 573/2007/EC;
- transfers of persons falling within the categories referred to in Article 6(a) and (b) of Decision No 573/2007/EC between Member States, under certain conditions.

In addition, in accordance with Article 4 of Decision No 573/2007/EC, the Commission may use up to 10 % of the Fund's available resources to finance "transnational actions or

actions of interest to the Community as a whole concerning asylum policy and measures applicable to the target groups referred to in Article 6”.

Community Actions must be complementary to those supported under the national programmes of the European Refugee Fund III, as well as to those supported under complementary initiatives, such as the EQUAL initiative or the Community actions of the European Fund for the Integration of third country nationals<sup>1</sup> and the European Return Fund<sup>2</sup>. In this context, it must be noted that voluntary return actions related refugees do not fall anymore under the scope of the European Refugee Fund, as they are now covered by the European Return Fund.

The budget available for Community action in 2009 out of budget line 18.0303 is 9.876.666,67 € It must be noted that the European Parliament has increased the ERF allocation for the year 2009, in particular to support additional resettlement activities.

The indicative distribution of this available budget according to the kind of activities is as follows:

- |               |                |
|---------------|----------------|
| ▪ for grants: | 9.176.666,67 € |
| ▪ for tenders | 700.000,00 €   |

## **1.2. Perspectives for the future**

The year 2009 is a transition year for the Community Actions of the European Refugee Fund, as according to the recent Commission proposals for the establishment of a European Asylum Support Office<sup>3</sup> (EASO), the Decision establishing the European Refugee Fund for the period 2008 to 2013 will be amended in order to achieve a better allocation and concentration of funds between the ERF and the new EASO, in the interests of simplifying the use of Community funds.

Given the forthcoming establishment of the EASO, the work programme for the year 2009 has as one of its priorities the financing of projects which can pave the way for a successful implementation of EASO's tasks.

## **2. ANNUAL WORK PROGRAMME FOR 2009 (GRANTS)**

### **2.1. Priorities for 2009**

In view of the requirements of the Hague programme, the measures announced by the Commission in the Policy Plan on Asylum<sup>4</sup> and the European Pact on Immigration and

---

<sup>1</sup> Council Decision No 2007/435/EC of 25 June 2007, establishing a European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows', OJ L 168, 28 June 2007

<sup>2</sup> Decision No 575/2007/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 June 2007

<sup>3</sup> COM (2009) 66 and COM (2009) 67, presented on 18 February 2009

<sup>4</sup> COM (2008) 360, 17 June 2008

Asylum adopted by the European Council on 15 October 2008 in order to complete the Common European Asylum System, the following priorities have been defined for 2009:

- a. The implementation of the Community legislation of the first stage of the Common European Asylum System. This should include actions to improve the quality of asylum decision-making and the continuing development of the capacity of stakeholders, including Member State authorities, UNHCR and non-governmental actors, in the asylum field.
  1. *Exchange of information and development of best practice on the implementation of Community legislation between national asylum authorities or between them and other stakeholders, such as non-governmental organisations and international organisations, including through training, research, monitoring, discussion fora and the preparation of resource materials.*
  2. *Projects aimed at improving the efficiency of the asylum procedure and the quality of decision-making as well as continuing to boost the capacity of all actors involved in the asylum process, including UNHCR, to successfully accomplish their tasks, thereby upholding the standards set by Community legislation.*
  3. *Projects which aim at improving the efficiency of the Dublin system, notably by jointly identifying obstacles to the effective transfer of persons under the Dublin Regulation and proposing practical steps to overcome them, while ensure that needs of asylum seekers, notably vulnerable ones, are taken into account.*
  4. *Projects aiming at developing best practice and expertise on alternatives to detention for asylum-seekers during the asylum procedure.*
- b. Activities facilitating the practical and collaborative cooperation envisaged in the Hague Programme and in the European Pact on Immigration and Asylum between Member States' national asylum administrations. Particular emphasis should be given to actions aimed at jointly compiling, assessing and applying country of origin information and to common training of asylum officials.
  1. *Projects which aim at developing a common approach on the collection of Country of Origin Information, notably via the organisation of joint fact-finding missions, and at promoting best practice in national asylum authorities on the production and use of Country of Origin Information. They should include methods for verifying and approving the accuracy and presentation of Country of Origin Information, sharing of*

*sensitive information and training for national authorities' officials working with Country of Origin Information.*

2. *The exchange of information, including through the use of IT systems, on key developments in national legislation, administrative practice and case law between appeal bodies and judicial authorities as far as they relate to the implementation of principles of Community law on asylum including through the organisation and programming of workshops and Member State representative fora. Exchange of experience on implementing the Dublin II Regulation rules is particularly encouraged.*
- c. Enhancing solidarity mechanisms between the Member States and in particular assist those Member States which are faced with particular pressures on their national asylum systems.
1. *Projects which aim to support Member States addressing particular pressures on their asylum systems in order to provide operational assistance for the rapid initial identification of needs at the points of arrival and the subsequent efficient response to these needs, in particular through the provision of legal, linguistic, Country of Origin Information or medical expertise.*
  2. *Projects aiming at the facilitation of intra-EU re-allocation, on a voluntary basis, of applicants or beneficiaries of international protection from one Member State to another Member State in cases of exceptional asylum pressure.*
- d. The promotion of good practices and new developments in the field of resettlement in EU Member States including the strategic use of resettlement, the resettlement of vulnerable groups, emergency resettlement, resettlement transit arrangements, group resettlement, establishment and operation of resettlement programmes in collaboration with UNHCR, and the development of innovative methods such as private sponsorship for resettlement.
1. *Projects which aim at developing a common approach to resettlement, including through exchange of information and best practice, the establishment of twinning arrangements and the organisation of joint activities, such as selection missions, medical and security screening, cultural orientation and travel arrangements, and at developing assistance and support for competent authorities and/or resettled refugees by international, refugee community or other non-governmental organisations.*

2. *Pilot projects aiming at supporting existing or creating new joint platforms for resettlement inside the EU or in third countries, in cooperation with UNHCR and possibly other relevant international organisations. This may include, among others, evacuation centres and common selection offices.*
- e. Promotion of common measures to address specific needs, including their educational needs, of vulnerable groups among asylum seekers and persons benefiting from international protection, such as victims of violence and torture, women at risk, minors and unaccompanied minors, elderly people, people kept in prolonged detention, and people with serious medical needs.
1. *Exchange of information and development of best practice between national asylum authorities and between them and other stakeholders, such as non-governmental organisations and international organisations, in addressing the needs of vulnerable groups, in particular minors, unaccompanied minors, victims of violence and torture, women, elderly people, people kept in prolonged detention, and people with serious medical needs, when implementing Community legislation.*
  2. *Projects aiming at improving the access to education for minor asylum-seekers.*
  3. *Projects which help develop a common approach to addressing the specific needs of vulnerable groups among asylum seekers and persons benefiting from international protection through the sharing of information, the evaluation of existing practices and the definition of best practices.*
- f. New forms of Community cooperation and Community law in the area of asylum.
1. *Projects related to the exploration of new forms of access to asylum procedures.*
  2. *Projects aiming at developing best practice on how to deal with mixed flows and on how to identify persons in need of protection within such flows, in particular for maritime arrivals.*
  3. *Projects related to the study of new types of conflict and threats, including environmental damage, which may have an impact on the flows of persons seeking protection in the EU.*
- g. Conference of the EU Swedish Presidency.
1. *Support for the organisation of a conference of the EU Swedish Presidency in October 2009 on different aspects related to*

*current developments in the development of the EU asylum policy, and in particular on resettlement and practical cooperation.*

## **2.2. Expected results**

- 20 grants following the call for proposals.
- Enhanced transnational cooperation on asylum, practical cooperation between national administrations contributing to greater solidarity among Member States, better balance of efforts between Member States in receiving and bearing the consequences of receiving refugees and displaced persons, capacity building among stakeholders, improvement of decision-making, identify and promote the most effective practices.
- Better guidance to the Member States.
- Better dissemination of project results, better information and fairer perception of situation faced by asylum seekers, refugees and other persons under international protection, improved social, economic and cultural integration into the society of the country in which they are established.

## **2.3. Implementation, type of expenditure and procedures for project selection**

### **2.3.1. Implementation and type of expenditure**

Actions in the areas described under this chapter will be implemented pursuant to public calls for proposals for grants. Grants will not exceed a maximum of 90 % of the total eligible costs of the action.

### **2.3.2. Procedure for project selection**

The call for proposals will be open to national, regional and local authorities, universities and non-governmental organisations registered in one of the 26 Member States participating in the European Refugee Fund (Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Germany, Greece, Spain, France, Hungary, Ireland, Italy, Luxembourg, Netherlands, Latvia, Lithuania, Malta, Austria, Portugal, Poland, Romania, Slovakia, Slovenia, Finland, Sweden and the United Kingdom of Great Britain and Northern Ireland), as well as international organisations, working on a strictly non-profit basis, with proven experience and expertise in the fields covered, taking into account their respective institutional competences. Actions may include partners and participants from Denmark and acceding countries, but the costs for their participation can not be covered by the Community contribution and should not appear in the eligible costs of the projects.

The selection procedure will be as follows:

The call for proposals for 2009 will be published in May 2009 in order to complete the selection process by October 2009. The Commission will take the necessary measures to publicise the types of project to which priority is attached, as well as the conditions and deadlines for submission of proposals. The closing date for the submission of applications will be July 2009.

The co-financing of an action under this annual work programme shall be exclusive of any other financing by another programme financed by the budget of the European Union.

The Commission will keep the common Committee 'Solidarity and Management of Migration flows' established by Article 56(1) of Decision No 574/2007/EC of the European Parliament and of the Council informed of the financial assistance granted under the Programme (amount, duration, breakdown and beneficiaries).

#### **2.4. Grant awarded to a body in a de facto monopoly**

A grant for the organisation of the Swedish EU Presidency Conference on Practical Cooperation in the field of asylum and migration in Stockholm will be awarded pursuant to Article 110 of the Financial Regulation and to Article 168(1) (c) of its Implementing Rules. As Presidency, the beneficiary is in a position of *de facto* monopoly.

The expected results are a better understanding of the next steps towards a Common European Asylum System and on conditions to improve practical cooperation, in particular through discussions on the proposal to set up a European Asylum Support Office, the reform of the Dublin System and the use of Eurodac and the proposal to establish a joint European resettlement scheme.

The maximum Community contribution should not exceed 120.000 € The amount of the grant cannot exceed 90% of the total eligible costs.

The maximum duration of the action should be 6 months.

#### **2.5. Target groups**

The target groups covered by the European Refugee Fund III actions for the period 2008 to 2013 comprise the following categories (Article 6 of Decision 573/2007/EC of 23 May 2007):

- any third-country national or stateless person having the status defined by the Geneva Convention and who is permitted to reside as a refugee in one of the Member States;
- any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2004/83/EC;
- any third-country national or stateless person who has applied for one of the forms of protection described in the two preceding subparagraphs;

- any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC;
- any third-country national or stateless person who is being or has been resettled in a Member State.

## **2.6. Budgetary implications**

### 2.6.1. General

Project financing will be based on the principle of co-financing. If the amount awarded by the Commission is less than the amount requested by the applicant, it is up to the latter to find the additional amount or to reduce the total cost of the project without reducing the objectives or the content.

### 2.6.2. Financial provisions (grants)

The indicative total amount available for grants for 2009 is 9.176.666,67 €

### 2.6.3. Amount of grant

The amount of assistance per project cannot exceed 90% of the total eligible costs of the project. The necessary co-financing must be confirmed at the date of the application. EC co financing per project will not exceed 2.000.000 € if the applicant is a National Authority or the UNHCR and 500.000 € for other applicants and nor be less than 200.000 € for any applicant.

The Commission will determine the final amounts of financial assistance to be awarded, based on the available budget.

Should the project be selected for support, a grant agreement will be signed between the selected beneficiary and the European Commission. This agreement is a standard agreement (except in the case of UN bodies), and its terms and conditions may not be altered or subject to negotiation.

### 2.6.4. Payment conditions

The grant shall normally be paid under the following conditions:

- Pre-financing, representing 50% of the amount of the grant awarded upon signature of the grant agreement by the last of the parties;
- In order to limit the financial risks connected with the payment of pre-financing, the authorising officer responsible may, on the basis of his risks assessment either require the beneficiary to lodge a guarantee in advance, for up to the same amount as the pre-financing, or split the payment into several instalments.



- A second pre-financing representing 25% of the amount of the grant awarded, upon receipt by the Commission of a progress report, including a financial report evidencing that at least 70% of the previous pre-financing payment has been used up, together with a request for payment;
- The balance upon receipt and approval by the Commission of the final technical and financial implementation reports, together with a request for payment.

## **2.7. Exclusion, eligibility, selection and award criteria**

### 2.7.1. Exclusion criteria

The applicant organisation involved in the project must not be in one of the situations listed in article 93 and 94 of Council Regulation n°1605/2002 of 25 June 2002 on the Financial Regulation applicable to the budget of the European Union (published in OJ L248 of 16/09/2002, page 1).

### 2.7.2. Eligibility criteria

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

- they must clearly relate to the priority type of actions defined for 2009 in section 2.1. above;
- for actions listed under letter a) 2, letter b) 1 and 2, letter c) 2 and letter g) 1 in section 2.1 above, the applicant organisation must be a national authority. For letter a) 2, UNHCR may apply as well;
- they should have a clear transnational dimension, i.e. not replace action that could be financed under the national programmes implemented by the Member States;
- the objectives of the project and its intended impact must be clearly indicated, and a detailed description must be given of the activities envisaged, the results anticipated, and the approach, working methods and timetable to be followed.

### 2.7.3. Selection criteria

Applicant organisations must be able to finance the proposed activities properly.

Applicants must have the operational (technical and management) capacity to complete the action to be supported.

#### 2.7.4. Award criteria

Among the projects which fulfil the exclusion, eligibility and selection criteria, the Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out below, taking into account the funds available.

- The extent to which the proposed action is relevant to the priorities for 2009;
- The transnational dimension including number of countries covered by the project and the innovatory nature of the action compared to the practice in the relevant Member State;
- The clarity and pertinence of the project's objectives, the appropriateness and feasibility of the approach, methodology, activities, organisation and time frame;
- The usefulness of the expected results, their dissemination, lessons learned, acquired know-how;
- The sustainability of the project and/or its results after termination of the ERF grant (where relevant) or measures proposed to ensure adequate follow-up of project outputs. Follow-up may not consist only in conferences and/or website dissemination;
- The adequacy of the forecast budget: value for money.

### **2.8. Timetable**

Publication of call for proposals:	May 2009
Deadline for submission of proposals:	July 2009
Processing and evaluation of projects:	September 2009
Selection of projects:	September 2009
Award decision:	October 2009
Commitments and grant agreements:	November 2009

A grant may be awarded for an action which has already begun only where the applicant can demonstrate the need to start the action before the agreement is signed. In such cases, expenditure eligible for financing may not have been incurred prior to the date of submission of the grant.

The maximum duration of projects should be 18 months.

### **3. ANNUAL WORK PROGRAMME FOR 2009 (TENDERS)**

#### **3.1. Amount allocated to Calls for tenders**

The indicative amount available for tenders for 2009 is 700.000 €

#### **3.2. Type and object of calls for tenders**

The Commission proposes in this Annual Work Programme, actions that it intends to undertake for promoting the priorities set out in Section 2.1.1. which fall under the headings set out in Article 4 (2) of the Decision No 573/2007/EC of the European Parliament and of the Council and are also related to the implementation of the Hague Programme and the Policy Plan on Asylum. For 2009, the following actions are envisaged:

- 1) Study on joint processing outside the EU – (200,000€)

The Commission announced in the Policy Plan that it would launch in 2009 a study on the merits, appropriateness and feasibility of joint processing of asylum applications outside EU territory. The conclusions of the study will inform the future discussions and policy developments at EU level with a view to improving access to the Union in complementarity with the Common European Asylum System and in compliance with relevant international standards. The study will integrate the views and experience of UNHCR as a major stakeholder in the field of asylum.

- 2) Further development (phase III) and future maintenance of the EU-wide COI common portal, following completion of the phase II bis. This will be implemented via a DG JLS framework contract (500.000 €).

#### **3.3. Timetable**

The open call for tenders for the study in chapter 3.2 point 1) will be published mid 2009.

Procedures for implementation via the framework contract (chapter 3.2 point 2) are due to commence at the end of 2009.