

This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

► **B** REGULATION (EU) 2021/1147 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 July 2021
establishing the Asylum, Migration and Integration Fund
(OJ L 251, 15.7.2021, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Regulation (EU) 2022/585 of the European Parliament and of the Council of 6 April 2022	L 112	1	11.4.2022
► <u>M2</u>	Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024	L 1350	1	22.5.2024



**REGULATION (EU) 2021/1147 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

of 7 July 2021

establishing the Asylum, Migration and Integration Fund

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes the Asylum, Migration and Integration Fund (the ‘Fund’) for the period from 1 January 2021 to 31 December 2027.

This Regulation lays down the objectives of the Fund, the budget for the period from 1 January 2021 to 31 December 2027, the forms of Union funding and the rules for providing such funding.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘applicant for international protection’ means an applicant as defined in point (c) of Article 2 of Directive 2013/32/EU of the European Parliament and of the Council ⁽¹⁾;
- (2) ‘beneficiary of international protection’ means a beneficiary of international protection as defined in point (b) of Article 2 of Directive 2011/95/EU of the European Parliament and of the Council ⁽²⁾;
- (3) ‘blending operation’ means actions supported by the Union budget, including within blending facilities within the meaning of point (6) of Article 2 of the Financial Regulation;
- (4) ‘family member’ means any third-country national defined as a family member under the Union law relevant to the policy area of action supported under the Fund;

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

⁽²⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

▼ M2

- (5) ‘humanitarian admission’ means humanitarian admission as defined in Article 2, point (3), of Regulation (EU) 2024/1350 of the European Parliament and of the Council ⁽³⁾;

▼ B

- (6) ‘operating support’ means a part of a Member State’s allocation which may be used as support to the public authorities responsible for carrying out the tasks and providing the services which constitute a public service for the Union;
- (7) ‘removal’ means removal as defined in point (5) of Article 3 of Directive 2008/115/EC;

▼ M2

- (8) ‘resettlement’ means resettlement as defined in Article 2, point (1), of Regulation (EU) 2024/1350;

▼ B

- (9) ‘return’ means return as defined in point (3) of Article 3 of Directive 2008/115/EC;
- (10) ‘specific actions’ means transnational or national projects that bring Union added value in line with the objectives of the Fund for which one, several or all Member States may receive an additional allocation to their programmes;
- (11) ‘third-country national’ means any person, including a stateless person or a person with undetermined nationality, who is not a citizen of the Union as defined in Article 20(1) TFEU;
- (12) ‘unaccompanied minor’ means an unaccompanied minor as defined in point (1) of Article 2 of Directive 2011/95/EU;
- (13) ‘Union actions’ means transnational projects or projects of particular interest to the Union implemented in accordance with the objectives of the Fund;
- (14) ‘vulnerable person’ means any person defined as a vulnerable person under the Union law relevant to the policy area of action supported under the Fund.

*Article 3***Objectives of the Fund**

1. The policy objective of the Fund is to contribute to the efficient management of migration flows and to the implementation, strengthening and development of the common policy on asylum and the common immigration policy, in accordance with the relevant Union *acquis* and fully respecting the international obligations of the Union and the Member States arising from the international instruments to which they are party.

⁽³⁾ Regulation (EU) 2024/1350 of the European Parliament and the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147 (OJ L, 2024/1350, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1350/oj>).

▼B

2. Within the policy objective set out in paragraph 1, the Fund shall contribute to the following specific objectives:

- (a) strengthening and developing all aspects of the Common European Asylum System, including its external dimension;
- (b) strengthening and developing legal migration to the Member States in accordance with their economic and social needs, and promoting and contributing to the effective integration and social inclusion of third-country nationals;
- (c) contributing to countering irregular migration, enhancing effective, safe and dignified return and readmission, and promoting and contributing to effective initial reintegration in third countries;
- (d) enhancing solidarity and fair sharing of responsibility between the Member States, in particular as regards those most affected by migration and asylum challenges, including through practical cooperation.

3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented through the implementation measures listed in Annex II.

*Article 4***Partnership**

For the purposes of the Fund, partnerships shall, pursuant to Article 8(1) of Regulation (EU) 2021/1060, include regional, local, urban and other public authorities or associations representing such authorities, relevant international organisations, non-governmental organisations, such as refugee organisations and migrant-led organisations, as well as national human rights institutions and equality bodies, and economic and social partners.

*Article 5***Scope of support**

1. Within its objectives and in accordance with the implementation measures listed in Annex II, the Fund shall, in particular, support the actions listed in Annex III.

To address unforeseen or new circumstances, the Commission is empowered to adopt delegated acts in accordance with Article 37 to amend the list of actions in Annex III in order to add new actions.

2. To achieve its objectives, the Fund may support, in line with the Union priorities, actions as referred to in Annex III in and in relation to third countries, where appropriate, in accordance with Article 7 or 24, as applicable.

3. As regards actions in and in relation to third countries, the Commission and the Member States, together with the European External Action Service, shall, in accordance with their respective responsibilities, ensure coordination with relevant Union policies, strategies and instruments. They shall, in particular, ensure that actions in and in relation to third countries:

- (a) are carried out in synergy and in coherence with other actions outside the Union supported through other Union instruments;

▼B

- (b) are coherent with external Union policy, respect the principle of policy coherence for development and are consistent with the strategic programming documents for the region or country in question;
 - (c) focus on measures that are not development-oriented; and
 - (d) serve the interests of internal Union policies and are consistent with activities undertaken within the Union.
4. The objectives of the Fund shall support actions focusing on one or more target groups within the scope of Articles 78 and 79 TFEU.

*Article 6***Gender equality and non-discrimination**

1. The Member States and the Commission shall ensure the integration of the gender perspective and that gender equality and gender mainstreaming are taken into account and promoted throughout the preparation, implementation, monitoring, reporting and evaluation of programmes and projects supported under the Fund.
2. The Member States and the Commission shall take appropriate steps to exclude any form of discrimination prohibited by Article 21 of the Charter of Fundamental Rights of the European Union (the ‘Charter’) during the preparation, implementation, monitoring, reporting and evaluation of programmes and projects supported under the Fund.

*Article 7***Third countries associated to the Fund**

1. The Fund shall be open to third countries that fulfil the criteria listed in paragraph 2, in accordance with the conditions laid down in a specific agreement covering the participation of the third country in the Fund.
2. In order for a third country to be eligible to be associated to the Fund as referred to in paragraph 1, it shall have concluded with the Union an agreement on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or lodged in that third country.
3. The specific agreement covering the participation of the third country in the Fund, shall at a minimum:
 - (a) enable cooperation with the Member States and the Union institutions, bodies, offices and agencies in the area of asylum, migration and return in the spirit of the principle of solidarity and fair sharing of responsibility;
 - (b) be underpinned, throughout the duration of the Fund, by the principles of *non-refoulement*, democracy, the rule of law and respect for human rights;
 - (c) ensure a fair balance as regards the contributions made by, and the benefits received by, the third country participating in the Fund;
 - (d) lay down the conditions of participation in the Fund, including the calculation of financial contributions to the Fund, and its administrative costs;

▼B

- (e) not confer on the third country any decision-making power in respect of the Fund;
- (f) guarantee the rights of the Union to ensure sound financial management and to protect its financial interests;
- (g) provide that the third country grants the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors in accordance with Article 8.

The contributions referred to in point (d) of the first subparagraph shall constitute assigned revenues in accordance with Article 21(5) of the Financial Regulation.

*Article 8***Protection of the financial interests of the Union**

Where a third country participates in the Fund by means of a decision adopted pursuant to an international agreement or on the basis of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors to comprehensively exercise their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013.

CHAPTER II

FINANCIAL AND IMPLEMENTATION FRAMEWORK*SECTION 1**Common provisions**Article 9***General principles**

1. Support provided under the Fund shall complement national, regional and local intervention, and shall focus on bringing Union added value to the achievement of the objectives of the Fund.
2. The Commission and the Member States shall ensure that the support provided under the Fund and by the Member States is consistent with the relevant actions, policies and priorities of the Union, and is complementary to support provided under other Union instruments, in particular the external instruments, the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF).
3. The Fund shall be implemented under direct, shared or indirect management in accordance with points (a), (b) and (c) of the first subparagraph of Article 62(1) of the Financial Regulation.

*Article 10***Budget**

1. The financial envelope for the implementation of the Fund for the period from 1 January 2021 to 31 December 2027 shall be EUR 9 882 000 000 in current prices.

▼B

2. The financial envelope shall be used as follows:
 - (a) EUR 6 270 000 000 shall be allocated to the Member States' programmes;
 - (b) EUR 3 612 000 000 shall be allocated to the thematic facility referred to in Article 11.
3. Up to 0,42 % of the financial envelope shall be allocated to technical assistance at the initiative of the Commission, as referred to in Article 35 of Regulation (EU) 2021/1060.
4. In accordance with Article 26 of Regulation (EU) 2021/1060, up to 5 % of the initial allocation to a Member State from any of the funds under that Regulation under shared management may be transferred to the Fund under direct or indirect management at the request of that Member State. The Commission shall implement those resources directly in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph. Those resources shall be used for the benefit of the Member State concerned.

▼M1

5. Support under this Regulation may also be financed by contributions made by Member States and by other public or private donors as external assigned revenue in accordance with Article 21(5) of the Financial Regulation.

▼B*Article 11***General provisions on the implementation of the thematic facility**

1. The amount referred to in point (b) of Article 10(2) shall be allocated flexibly through a thematic facility using shared, direct or indirect management as set out in work programmes. Given the internal nature of the Fund, the thematic facility shall primarily serve internal Union policy in line with the specific objectives set out in Article 3(2).

Funding from the thematic facility shall be used for its components, which are as follows:

- (a) specific actions;
- (b) Union actions;
- (c) emergency assistance as referred to in Article 31;
- (d) resettlement and humanitarian admission;
- (e) support to Member States for the transfer of applicants for international protection or of beneficiaries of international protection as a part of solidarity efforts as referred to in Article 20; and
- (f) the European Migration Network as referred to in Article 26.

Technical assistance at the initiative of the Commission, as referred to in Article 35 of Regulation (EU) 2021/1060, shall also receive support from the amount referred to in point (b) of Article 10(2) of this Regulation.

2. Funding from the thematic facility shall address priorities with a high Union added value or be used to respond to urgent needs in line with agreed Union priorities as reflected in Annex II.

▼B

The funding referred to in the first subparagraph of this paragraph, with the exception of funding used for emergency assistance in accordance with points (a) and (b) of the first subparagraph of Article 31(1), shall only support the actions listed in Annex III, including resettlement and humanitarian admission in accordance with Article 19 as part of the external dimension of the Union's migration policy.

3. The Commission shall engage with civil society organisations and relevant networks, in particular with a view to preparing and evaluating the work programmes for Union actions financed under the Fund.

4. A minimum of 20 % of the resources from the initial allocation to the thematic facility shall be allocated to the specific objective set out in point (d) of Article 3(2).

5. When funding from the thematic facility is provided under direct or indirect management to Member States, the Commission shall ensure that projects affected by a reasoned opinion delivered by the Commission in respect of infringement proceedings under Article 258 TFEU that put in doubt the legality and regularity of expenditure or the performance of those projects are not selected.

6. For the purposes of Article 23 and Article 24(2) of Regulation (EU) 2021/1060, where funding from the thematic facility is implemented under shared management, the Member State concerned shall ensure that, and the Commission shall assess whether, the envisaged actions are not affected by a reasoned opinion delivered by the Commission in respect of infringement proceedings under Article 258 TFEU that put in doubt the legality and regularity of expenditure or the performance of the actions.

7. The Commission shall establish the overall amount to be made available for the thematic facility under the annual appropriations of the Union budget.

8. The Commission shall, by means of implementing acts, adopt financing decisions as referred to in Article 110 of the Financial Regulation for the thematic facility identifying objectives and actions to be supported and specifying the amounts for each of the components referred to in the second subparagraph of paragraph 1 of this Article. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations. Financing decisions may be annual or multiannual and may cover one or more components of the thematic facility referred to in the second subparagraph of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 38(3) of this Regulation.

9. The thematic facility shall, in particular, support actions falling under implementation measure 2(d) of Annex II that are implemented by national, regional and local authorities or civil society organisations. In that regard, a minimum of 5 % of the initial allocation to the thematic facility shall target the implementation of integration measures by local and regional authorities.

10. The Commission shall ensure that the distribution of resources among the specific objectives set out in Article 3(2) is fair and transparent. The Commission shall report on the use and the distribution of the thematic facility between the components referred to in the second subparagraph of paragraph 1 of this Article, including on the support provided to actions in or in relation to third countries under the Union actions.

▼B

11. Following the adoption of a financing decision as referred to in paragraph 8, the Commission may amend the Member States' programmes accordingly.

*SECTION 2****Support and implementation under shared management****Article 12***Scope**

1. This section applies to the amount referred to in point (a) of Article 10(2) and additional resources to be implemented under shared management in accordance with the financing decision for the thematic facility referred to in Article 11.

2. Support under this section shall be implemented under shared management in accordance with Article 63 of the Financial Regulation and Regulation (EU) 2021/1060.

*Article 13***Budgetary resources**

1. The amount referred to in point (a) of Article 10(2) shall be allocated to Member States' programmes indicatively as follows:

- (a) EUR 5 225 000 000 in accordance with Annex I;
- (b) EUR 1 045 000 000 for the adjustment of the allocations to the Member States' programmes referred to in Article 17(1).

2. Where the amount referred to in point (b) of paragraph 1 of this Article is not fully allocated, the remaining amount may be added to the amount referred to in point (b) of Article 10(2).

*Article 14***Pre-financing**

1. In accordance with Article 90(4) of Regulation (EU) 2021/1060, the pre-financing for the Fund shall be paid in yearly instalments before 1 July of each year, subject to the availability of funds, as follows:

- (a) 2021: 4 %;
- (b) 2022: 3 %;
- (c) 2023: 5 %;
- (d) 2024: 5 %;
- (e) 2025: 5 %;
- (f) 2026: 5 %.

2. Where a Member State's programme is adopted after 1 July 2021, the earlier instalments shall be paid in the year of its adoption.

▼B*Article 15***Co-financing rates**

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure for a project.
2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.
3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.
4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support.
5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance as referred to in Article 31.
6. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for technical assistance at the initiative of Member States within the limits set out in point (b)(vi) of Article 36(5) of the Regulation (EU) 2021/1060.
7. The Commission decision approving a Member State's programme shall set the co-financing rate and the maximum amount of support from the Fund for the types of action covered by the contribution referred to in paragraphs 1 to 6.
8. The Commission decision approving a Member State's programme shall set out for each type of action whether the co-financing rate is applied in respect of:
 - (a) the total contribution, including the public and private contributions;
or
 - (b) the public contribution only.

*Article 16***Member States' programmes**

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with and respond to Union priorities and challenges in the area of asylum and migration management and are fully in accordance with the relevant Union *acquis* and agreed Union priorities, while fully respecting the international obligations of the Union and the Member States arising from the international instruments to which they are party. In defining the priorities of their programmes Member States shall ensure that the implementation measures listed in Annex II are adequately addressed in their programmes.

Given the internal nature of the Fund, Member States' programmes shall primarily serve internal Union policy in line with the specific objectives set out in Article 3(2) of this Regulation.

The Commission shall assess the Member States' programmes in accordance with Article 23 of Regulation (EU) 2021/1060.

▼B

2. Within the resources allocated in Article 13(1), and without prejudice to paragraph 3 of this Article, each Member State shall allocate within its programme:

- (a) a minimum of 15 % of its allocated resources to the specific objective set out in point (a) of Article 3(2); and
- (b) a minimum of 15 % of its allocated resources to the specific objective set out in point (b) of Article 3(2).

3. A Member State may allocate less than the minimum percentages referred to in paragraph 2 only if it provides a detailed explanation in its programme as to why allocating resources below that level would not jeopardise the achievement of the relevant objective.

4. The Commission shall ensure that the knowledge and expertise of the relevant decentralised agencies, in particular EASO, the European Border and Coast Guard Agency and the European Union Agency for Fundamental Rights, established by Council Regulation (EC) No 168/2007 ⁽⁴⁾, are taken into account as regards the areas of their competence, at an early stage and in a timely manner, in the development of the Member States' programmes.

5. The Commission may involve, where appropriate, relevant decentralised agencies, including those referred to in paragraph 4, in the monitoring and evaluation tasks as specified in Section 5, in particular with a view to ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union *acquis* and agreed Union priorities.

6. Following the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, how to address the findings and recommendations through its programme with the support of the Fund, where appropriate.

The Commission may, where relevant, also draw on the expertise of decentralised agencies on specific issues falling within those agencies' competencies.

7. Where necessary, the programme of the Member State in question shall be amended in accordance with Article 24 of Regulation (EU) 2021/1060 to take into account the recommendations referred to in paragraph 6 of this Article.

8. In cooperation and consultation with the Commission and the relevant decentralised agencies as regards the areas of their competence, as applicable, the Member State concerned may reallocate resources under its programme with the aim of addressing the recommendations referred to in paragraph 6 where those recommendations have financial implications.

9. Member States shall in particular pursue the actions eligible for higher co-financing rates that are listed in Annex IV in their programmes. In the event of unforeseen or new circumstances or in order to ensure the effective implementation of funding, the Commission is empowered to adopt delegated acts in accordance with Article 37 to amend the list of actions eligible for higher co-financing rates in Annex IV.

⁽⁴⁾ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

▼B

10. Member States' programmes may allow for the inclusion of immediate relatives of persons covered by the integration measures referred to in Annex III to the extent necessary for the effective implementation of those measures.

11. Whenever a Member State decides to implement a project with or in a third country with the support of the Fund, the Member State concerned shall consult the Commission prior to the approval of the project.

12. Programming as referred to in Article 22(5) of Regulation (EU) 2021/1060 shall be based on the types of intervention set out in Table 1 of Annex VI to this Regulation and shall include an indicative breakdown of the programmed resources by type of intervention within each specific objective set out in Article 3(2) of this Regulation.

*Article 17***Mid-term review**

1. In 2024, the Commission shall allocate to the programmes of the Member States concerned the additional amount referred to in point (b) of Article 13(1) in accordance with the criteria referred to in point (b) of paragraph 1 and paragraphs 2 to 5 of Annex I. Funding shall be effective as of 1 January 2025.

2. Where at least 10 % of the initial allocation to a programme referred to in point (a) of Article 13(1) of this Regulation has not been covered by payment applications submitted in accordance with Article 91 of Regulation (EU) 2021/1060, the Member State concerned shall not be eligible to receive the additional allocation for its programme referred to in point (b) of Article 13(1) of this Regulation.

3. When allocating the funds from the thematic facility referred to in Article 11 of this Regulation as of 1 January 2025, the Commission shall take into account the progress made by the Member States in achieving the milestones of the performance framework referred to in Article 16 of Regulation (EU) 2021/1060 and identified shortcomings in implementation.

*Article 18***Specific actions**

1. A Member State may receive funding for specific actions in addition to its allocation under Article 13(1), provided that that funding is subsequently earmarked as such in its programme and is used to contribute to the implementation of the objectives of the Fund.

2. Funding for specific actions shall not be used for other actions in the Member State's programme, except in duly justified circumstances and as approved by the Commission through the amendment of the Member State's programme.

▼B*Article 19***Resources for resettlement and humanitarian admission****▼M2**

1. Member States shall receive, in addition to their allocation under Article 13(1), point (a), of this Regulation an amount of EUR 10 000 for each person admitted through resettlement under the Union Resettlement and Humanitarian Admission Framework established by Regulation (EU) 2024/1350.

2. Member States shall receive, in addition to their allocation under Article 13(1), point (a) of this Regulation, an amount of EUR 6 000 for each person admitted through humanitarian admission under the Union Resettlement and Humanitarian Admission Framework established by Regulation (EU) 2024/1350 or admitted under a national resettlement scheme.

3. The amount referred to in paragraph 2 shall be increased to EUR 8 000 for each person admitted through humanitarian admission or admitted under a national resettlement scheme who belongs to one or more of the following vulnerable groups:

- (a) women and children at risk;
- (b) unaccompanied minors;
- (c) persons having medical needs that can be addressed only through humanitarian admission;
- (d) persons in need of humanitarian admission for legal or physical protection needs, including victims of violence or torture.

▼B

4. Where a Member State admits a person belonging to more than one of the categories referred to in paragraphs 2 and 3, it shall receive the amount only once in respect of that person.

5. Where appropriate, Member States may also be eligible to receive the respective amounts for family members of persons referred to in paragraphs 1, 2 and 3 if those family members are admitted to ensure family unity.

6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article 125 of the Financial Regulation.

7. The amounts referred to in paragraphs 1, 2, 3 and 5 shall be allocated to the Member State's programme for the first time in the financing decision approving that programme. Those amounts shall not be used for other actions in the Member State's programme except in duly justified circumstances, as approved by the Commission through the amendment of that programme. Those amounts may be included in the payment applications to the Commission, provided that the person in respect of whom the amount is allocated was effectively resettled or admitted.

8. For the purposes of control and audit, Member States shall retain the information necessary to allow the proper identification of the persons resettled or admitted and of the date of their resettlement or admission.

9. To take account of current inflation rates, relevant developments in the field of resettlement, and other factors which might optimise the use of the financial incentive brought by the amounts referred to in paragraphs 1, 2 and 3 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 37 to adjust, if deemed appropriate, and within the limits of available resources, those amounts.

*Article 20***Resources for the transfer of applicants for international protection or of beneficiaries of international protection**

1. A Member State shall receive, in addition to its allocation under Article 13(1) of this Regulation, an additional amount of EUR 10 000 for each applicant for international protection transferred from another Member State in accordance with Article 17 of Regulation (EU) No 604/2013 of the European Parliament and of the Council ⁽⁵⁾ or as a result of similar forms of relocation.

2. Where appropriate, Member States may also be eligible to receive the amount referred to in paragraph 1 of this Article for each family member of persons referred to in that paragraph, provided that those family members have been transferred to ensure family unity in accordance with Article 17 of Regulation (EU) No 604/2013 or have been transferred as a result of similar forms of relocation.

3. Member States shall receive, in addition to their allocation under Article 13(1), an additional amount of EUR 10 000 for each beneficiary of international protection transferred from another Member State.

4. Where appropriate, Member States may also be eligible to receive the respective amounts for family members of persons referred to in paragraph 3 if those family members have been transferred to ensure family unity.

5. The Member State covering the cost of transfers referred to in paragraphs 1 to 4 shall receive a contribution of EUR 500 for each applicant for international protection or beneficiary of international protection transferred to another Member State.

6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article 125 of the Financial Regulation.

7. The amounts referred to in paragraphs 1 to 5 of this Article shall be allocated to the Member State's programme, provided that the person in respect of whom the amount is allocated was effectively transferred to a Member State or was registered as an applicant in the Member State responsible in accordance with Regulation (EU) No 604/2013, as applicable. Those amounts shall not be used for other actions in the Member State's programme except in duly justified circumstances, as approved by the Commission through the amendment of that programme.

8. For the purposes of control and audit, Member States shall retain the information necessary to allow the proper identification of the persons transferred and of the date of their transfer.

⁽⁵⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

▼B

9. To take account of current inflation rates, relevant developments in the field of relocation and other factors which might optimise the use of the financial incentive brought by the amounts referred to in paragraphs 1, 3 and 5 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 37 to adjust, if deemed appropriate, and within the limits of available resources, those amounts.

*Article 21***Operating support**

1. A Member State may use up to 15 % of the amount allocated to its programme under the Fund to finance operating support under the specific objectives of the Fund.

2. When using operating support, a Member State shall comply with the relevant Union *acquis* and the Charter.

3. A Member State shall explain, in its programme and in the annual performance report referred to in Article 35 of this Regulation, how the use of operating support contributes to the achievement of the objectives of the Fund. Before the approval of the Member State's programme, the Commission shall assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available as a result of the monitoring exercises which are carried out in accordance with Regulation (EU) No 1053/2013 and which are within the scope of this Regulation.

4. Operating support shall be concentrated on actions covered by expenditure as laid down in Annex VII.

5. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission is empowered to adopt delegated acts in accordance with Article 37 to amend the eligible actions listed in Annex VII.

*Article 22***Management verifications and audits of projects carried out by international organisations**

1. This Article applies to international organisations or their agencies as referred to in point (c)(ii) of the first subparagraph of Article 62(1) of the Financial Regulation whose systems, rules and procedures have been positively assessed by the Commission pursuant to Article 154(4) and (7) of that Regulation for the purpose of indirectly implementing grants financed from the Union budget ('international organisations').

2. Without prejudice to point (a) of the first paragraph of Article 83 of Regulation (EU) 2021/1060 and to Article 129 of the Financial Regulation, where the international organisation is a beneficiary as defined in point (9) of Article 2 of Regulation (EU) 2021/1060, the managing authority shall not be required to carry out the management verifications referred to in point (a) of the first subparagraph of Article 74(1) of Regulation (EU) 2021/1060, provided that the international organisation submits to the managing authority the documents referred to in points (a), (b) and (c) of the first subparagraph of Article 155(1) of the Financial Regulation.

▼B

3. Without prejudice to point (c) of the first subparagraph of Article 155(1) of the Financial Regulation, the management declaration to be submitted by the international organisation shall confirm that the project complies with applicable law and the conditions for support of the project.

4. In addition, where costs are to be reimbursed pursuant to point (a) of Article 53(1) of Regulation (EU) 2021/1060, the management declaration to be submitted by the international organisation shall confirm that:

- (a) invoices and proof of their payment by the beneficiary have been verified;
- (b) the accounting records or accounting codes maintained by the beneficiary for transactions linked to the expenditure declared to the managing authority have been verified.

5. Where costs are to be reimbursed pursuant to point (b), (c) or (d) of Article 53(1) of Regulation (EU) 2021/1060, the management declaration to be submitted by the international organisation shall confirm that the conditions for reimbursement of expenditure have been met.

6. The documents referred to in points (a) and (c) of the first subparagraph of Article 155(1) of the Financial Regulation shall be provided to the managing authority together with each payment claim submitted by the beneficiary.

7. The beneficiary shall submit the accounts to the managing authority each year by 15 October. The accounts shall be accompanied by an opinion of an independent audit body that has been drawn up in accordance with internationally accepted audit standards. That opinion shall establish whether the control systems in place function properly and are cost-effective and whether the underlying transactions are legal and regular. That opinion shall also state whether the audit work puts in doubt the assertions made in the management declarations submitted by the international organisation, including information on suspicions of fraud. That opinion shall provide assurance that the expenditure included in the payment claims submitted by the international organisation to the managing authority is legal and regular.

8. Without prejudice to existing possibilities for carrying out further audits as referred to in Article 127 of the Financial Regulation, the managing authority shall draw up the management declaration referred to in point (f) of the first subparagraph of Article 74(1) of Regulation (EU) 2021/1060. The managing authority shall do so by relying on the documents provided by the international organisation pursuant to paragraphs 2 to 5 and 7 of this Article, instead of by relying on the management verifications referred to in Article 74(1) of Regulation (EU) 2021/1060.

9. The document setting out the conditions for support referred to in Article 73(3) of Regulation (EU) 2021/1060 shall include the requirements set out in this Article.

10. Paragraph 2 shall not apply, and consequently a managing authority shall be required to carry out management verifications, where:

- (a) that managing authority identifies a specific risk of irregularity or an indication of fraud with respect to a project initiated or implemented by the international organisation;
- (b) the international organisation fails to submit to that managing authority the documents referred to in paragraphs 2 to 5 and 7;

▼B

- (c) the documents referred to in paragraphs 2 to 5 and 7 that have been submitted by the international organisation are incomplete.

11. Where a project, in which an international organisation is a beneficiary as defined in point (9) of Article 2 of Regulation (EU) 2021/1060, is part of a sample as referred to in Article 79 of that Regulation, the audit authority may perform its work on the basis of a sub-sample of transactions that relate to that project. Where errors are found in the sub-sample, the audit authority, if relevant, may request the auditor of the international organisation to assess the full scope and the total amount of errors in that project.

*SECTION 3**Support and implementation under direct or indirect management**Article 23***Scope**

The Commission shall implement support under this Section either directly in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph.

*Article 24***Eligible entities**

1. The following entities are eligible for Union financing:
 - (a) legal entities established in:
 - (i) a Member State or an overseas country or territory linked to it;
 - (ii) a third country associated to the Fund pursuant to a specific agreement under Article 7, subject to it being covered by the work programme and conditions therein;
 - (iii) a third country listed in the work programme, under the conditions specified in paragraph 3;
 - (b) legal entities created under Union law or any international organisation relevant for the purposes of the Fund.
2. Natural persons are not eligible for Union financing.
3. Entities as referred to in point (a)(iii) of paragraph 1 shall participate as part of a consortium composed of at least two independent entities, at least one of which is established in a Member State.

Entities participating as part of a consortium as referred to in the first subparagraph of this paragraph shall ensure that the actions in which they participate comply with the principles enshrined in the Charter and contribute to the achievement of the objectives of the Fund.



Article 25

Union actions

1. At the Commission's initiative, the Fund may be used to finance Union actions related to the objectives of the Fund, in accordance with Annex III.
2. Union actions may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. They may also provide funding in the form of financial instruments within blending operations.
3. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of the Financial Regulation.
4. Members of the evaluation committee assessing the proposals, referred to in Article 150 of the Financial Regulation, may be external experts.
5. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. Article 37(7) of Regulation (EU) 2021/695 of the European Parliament and of the Council ⁽⁶⁾ shall apply.

Article 26

European Migration Network

1. The Fund shall support the European Migration Network and provide the financial assistance necessary for its activities and its future development.
2. The amount to be made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted by the Commission after approval by the Steering Board in accordance with point (a) of Article 4(5) of Decision 2008/381/EC. The decision of the Commission shall constitute a financing decision in accordance with Article 110 of the Financial Regulation. To ensure the timely availability of resources, the Commission may adopt the work programme for the European Migration Network in a separate financing decision.
3. Financial assistance provided for the activities of the European Migration Network shall take the form of grants to the National Contact Points referred to in Article 3 of Decision 2008/381/EC or procurements, as appropriate, in accordance with the Financial Regulation.

⁽⁶⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

*Article 27***Blending operations**

Blending operations decided under the Fund shall be carried out in accordance with Regulation (EU) 2021/523 and Title X of the Financial Regulation.

*Article 28***Technical assistance at the initiative of the Commission**

In accordance with Article 35 of Regulation (EU) 2021/1060, the Fund may support technical assistance implemented at the initiative of, or on behalf of, the Commission, at a financing rate of 100 %.

*Article 29***Audits**

Audits of the use of the Union contribution carried out by persons or entities, including by persons or entities other than those mandated by the Union institutions, bodies, offices or agencies, shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.

*Article 30***Information, communication and publicity**

1. The recipients of Union funding shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective, meaningful and proportionate targeted information to multiple audiences, including the media and the public. The visibility of Union funding shall be ensured and such information shall be provided, except in duly justified cases where it is not possible or appropriate to display such information publicly or where the release of such information is restricted by law, in particular for reasons of security, public order, criminal investigations or the protection of personal data. To ensure the visibility of Union funding, recipients of Union funding shall refer to the origin of that funding when publicly communicating on the action concerned, and shall display the Union emblem.

2. To reach the widest possible audience, the Commission shall implement information and communication actions relating to the Fund, to actions taken pursuant to the Fund and to the results obtained.

Financial resources allocated to the Fund shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives of the Fund.

3. The Commission shall publish the work programmes of the thematic facility referred to in Article 11. For support provided under direct or indirect management, the Commission shall publish the information referred to in Article 38(2) of the Financial Regulation on a publicly available website and shall update that information regularly. That information shall be published in an open, machine-readable format which allows data to be sorted, searched, extracted and compared.



SECTION 4

Support and implementation under shared, direct or indirect management

Article 31

Emergency assistance

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of duly justified emergency situations resulting from one or more of the following cases:

- (a) an exceptional migratory situation characterised by a large or disproportionate influx of third-country nationals into one or more Member States which places significant and urgent demands on those Member States' reception and detention facilities, and on their asylum and migration management systems and procedures;
- (b) an event of a mass influx of displaced persons within the meaning of Council Directive 2001/55/EC ⁽⁷⁾;
- (c) an exceptional migratory situation in a third country, including where persons in need of protection could be stranded due to political developments or conflicts, notably where it might have an impact on migration flows towards the Union.

In response to such duly justified emergency situations, the Commission may decide to provide emergency assistance, including for voluntary relocation, within the limits of available resources. In such cases, the Commission shall inform the European Parliament and the Council in a timely manner.

2. Measures in third countries shall be implemented in accordance with Article 5(2) and (3).

3. Emergency assistance may be allocated to Member States' programmes in addition to the allocation under Article 13(1) and Annex I, provided that it is subsequently earmarked as such in the Member State's programme. That funding shall not be used for other actions in the Member State's programme except in duly justified circumstances and as approved by the Commission through the amendment of the Member State's programme. Pre-financing for emergency assistance may amount to 95 % of the Union contribution, subject to the availability of funds.

4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of the Financial Regulation.

5. Where necessary for the implementation of an action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance for that action, provided that that expenditure was not incurred prior to 1 January 2021.

⁽⁷⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

▼B

6. On duly justified imperative grounds of urgency and to ensure that there is a timely availability of resources for emergency assistance, the Commission may separately adopt a financing decision, as referred to in Article 110 of the Financial Regulation, for emergency assistance by way of an immediately applicable implementing act in accordance with the procedure referred to in Article 38(4). Such an act shall remain in force for a period not exceeding 18 months.

*Article 32***Cumulative and alternative financing**

1. An action that has received a contribution under the Fund may also receive a contribution from any other Union programme, including funds under shared management, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the action. The cumulative financing shall not exceed the total eligible costs of the action. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

2. In accordance with Article 73(4) of Regulation (EU) 2021/1060, the ERDF or the ESF+ may support actions attributed a Seal of Excellence label as defined in point (45) of Article 2 of that Regulation. In order to be attributed a Seal of Excellence label, the actions shall comply with the following cumulative conditions:

- (a) they have been assessed in a call for proposals under the Fund;
- (b) they comply with the minimum quality requirements of that call for proposals;
- (c) they cannot be financed under that call for proposals due to budgetary constraints.

*SECTION 5****Monitoring, reporting and evaluation*****Subsection 1****Common provisions***Article 33***Monitoring and reporting**

1. In compliance with its reporting requirements pursuant to point (h)(iii) of the first subparagraph of Article 41(3) of the Financial Regulation, the Commission shall present to the European Parliament and to the Council information on the core performance indicators listed in Annex V to this Regulation.

2. The Commission is empowered to adopt delegated acts in accordance with Article 37 to amend Annex V in order to make the necessary adjustments to core performance indicators listed in that Annex.

▼B

3. Indicators to report on the progress of the Fund towards the achievement of the specific objectives set out in Article 3(2) are set out in Annex VIII. For output indicators, the baselines shall be set at zero. The milestones set for 2024 and the targets set for 2029 shall be cumulative.

4. The performance reporting system shall ensure that data for monitoring the implementation and the results of the programme are collected efficiently, effectively and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where appropriate, on Member States.

5. To ensure the effective assessment of the Fund's progress towards the achievement of its objectives, the Commission is empowered to adopt delegated acts in accordance with Article 37 to amend Annex VIII to review or complement the indicators where considered necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including on project information to be provided by the Member States. Any amendment to Annex VIII shall apply only to projects selected after the entry into force of that amendment.

*Article 34***Evaluation**

1. By 31 December 2024, the Commission shall carry out a mid-term evaluation of this Regulation. In addition to what is provided for in Article 45(1) of the Regulation (EU) 2021/1060, the mid-term evaluation shall assess the following:

- (a) the effectiveness of the Fund, including the progress made towards the achievement of its objectives, taking into account all relevant information already available, in particular the annual performance reports referred to in Article 35 and the output and result indicators set out in Annex VIII;
- (b) the efficiency of the use of resources allocated to the Fund and the efficiency of the management and control measures put in place to implement it;
- (c) the continued relevance and appropriateness of the implementation measures listed in Annex II;
- (d) the coordination, coherence and complementarity between the actions supported under the Fund and support provided by other Union funds;
- (e) the Union added value of actions implemented under the Fund.

That mid-term evaluation shall take into account the results of the retrospective evaluation of the effects of the Asylum, Migration and Integration Fund for the 2014-2020 period.

2. In addition to what is provided for in Article 45(2) of Regulation (EU) 2021/1060, the retrospective evaluation shall include the elements listed in paragraph 1 of this Article. Moreover, the impact of the Fund shall also be evaluated.

▼B

3. The mid-term evaluation and the retrospective evaluation shall be carried out in a timely manner in order to contribute to the decision-making process, including, where appropriate, to the revision of this Regulation.

4. In the mid-term evaluation and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions implemented with, in or in relation to third countries in accordance with Article 7, Article 16(11) and Article 24.

Subsection 2

Rules for shared management

Article 35

Annual performance reports

1. By 15 February 2023 and by 15 February of each subsequent year up to and including 2031, Member States shall submit to the Commission an annual performance report as referred to in Article 41(7) of Regulation (EU) 2021/1060.

The reporting period shall cover the last accounting year as defined in point (29) of Article 2 of Regulation (EU) 2021/1060 preceding the year of submission of the report. The report submitted by 15 February 2023 shall cover the period from 1 January 2021.

2. The annual performance reports shall, in particular, set out information on:

- (a) the progress in the implementation of the Member State's programme and in achieving the milestones and targets set out therein, taking into account the most recent data as required under Article 42 of Regulation (EU) 2021/1060;
- (b) any issues affecting the performance of the Member State's programme and the action taken to address them, including information on any reasoned opinions delivered by the Commission in respect of infringement proceedings under Article 258 TFEU linked to the implementation of the Fund;
- (c) the complementarity between the actions supported under the Fund and the support provided by other Union funds, in particular those actions taken in or in relation to third countries;
- (d) contribution of the Member State's programme to the implementation of the relevant Union *acquis* and action plans and to cooperation and solidarity between Member States;
- (e) the implementation of communication and visibility actions;
- (f) the fulfilment of the applicable enabling conditions and their application throughout the programming period, in particular compliance with fundamental rights;
- (g) the number of persons admitted through resettlement and humanitarian admission, by reference to the amounts set out in Article 19;

▼B

- (h) the number of applicants for international protection and of beneficiaries of international protection transferred from one Member State to another as referred to in Article 20;
- (i) the implementation of projects in or in relation to a third country.

The annual performance reports shall include a summary covering all the points set out in the first subparagraph of this paragraph. The Commission shall ensure that the summaries provided by Member States are translated into all official languages of the Union and made publicly available.

3. The Commission may provide observations on annual performance reports within two months of the date of their receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted.

4. On its website, the Commission shall provide the links to the websites referred to in Article 49(1) of Regulation (EU) 2021/1060.

5. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt an implementing act establishing the template for the annual performance report. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 38(2).

Article 36

Monitoring and reporting under shared management

1. Monitoring and reporting in accordance with Title IV of Regulation (EU) 2021/1060 shall use, as appropriate, the codes for the types of intervention set out in Annex VI to this Regulation. To address unforeseen or new circumstances and to ensure the effective implementation of the funding, the Commission is empowered to adopt delegated acts in accordance with Article 37 of this Regulation to amend Annex VI.

2. The indicators set out in Annex VIII to this Regulation shall be used in accordance with Article 16(1) and Articles 22 and 42 of Regulation (EU) 2021/1060.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 37

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in the second subparagraph of Article 5(1), Article 16(9), Article 19(9), Article 20(9), Article 21(5), Article 33(2) and (5) and Article 36(1) shall be conferred on the Commission until 31 December 2027.

▼B

3. The delegation of power referred to in the second subparagraph of Article 5(1), Article 16(9), Article 19(9), Article 20(9), Article 21(5), Article 33(2) and (5) and Article 36(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to the second subparagraph of Article 5(1), Article 16(9), Article 19(9), Article 20(9), Article 21(5), Article 33(2) or (5) or Article 36(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 38***Committee procedure**

1. The Commission shall be assisted by the Committee for the Home Affairs Funds established by Article 32 of Regulation (EU) 2021/1148 of the European Parliament and of the Council ⁽⁸⁾. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

⁽⁸⁾ Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (see page 48 of this Official Journal).



Article 39

Transitional provisions

1. This Regulation shall not affect the continuation of or modification of the actions initiated pursuant to Regulation (EU) No 516/2014, which shall continue to apply to those actions until their closure.

2. The financial envelope for the Fund may also cover technical and administrative assistance expenses necessary to ensure the transition between the Fund and the measures adopted pursuant to Regulation (EU) No 516/2014.

3. In accordance with point (a) of the second subparagraph of Article 193(2) of the Financial Regulation, taking into account the delayed entry into force of this Regulation, and in order to ensure continuity, for a limited period, costs incurred in respect of actions supported under this Regulation under direct management and which have already begun may be considered eligible for financing as of 1 January 2021, even if those costs were incurred before the grant application or the request for assistance was submitted.

4. Member States may continue after 1 January 2021 to support a project selected and started under Regulation (EU) No 516/2014, in accordance with Regulation (EU) No 514/2014, provided that all of the following conditions are met:

- (a) the project has two phases identifiable from a financial point of view with separate audit trails;
- (b) the total cost of the project exceeds EUR 500 000;
- (c) payments made by the responsible authority to beneficiaries for the first phase of the project shall be included in payment requests to the Commission under Regulation (EU) No 514/2014 and expenditure for the second phase of the project shall be included in payment applications under Regulation (EU) 2021/1060;
- (d) the second phase of the project complies with the applicable law and is eligible for support from the Fund under this Regulation and Regulation (EU) 2021/1060;
- (e) the Member State commits to complete the project, render it operational and report on it in the annual performance report submitted by 15 February 2024.

The provisions of this Regulation and of Regulation (EU) 2021/1060 shall apply to the second phase of a project as referred to in the first subparagraph of this paragraph.

This paragraph shall apply only to projects which have been selected under shared management pursuant to Regulation (EU) No 514/2014.

Article 40

Entry into force and application

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.



ANNEX I

CRITERIA FOR THE ALLOCATION OF FUNDING TO THE MEMBER STATES' PROGRAMMES

1. The budgetary resources available under Article 13 shall be broken down between the Member States as follows:
 - (a) at the start of the programming period, each Member State shall receive a fixed amount of EUR 8 000 000 from the Fund, with the exception of Cyprus, Malta and Greece, which shall each receive a fixed amount of EUR 28 000 000;
 - (b) the remaining budgetary resources referred to in Article 13 shall be distributed based on the following criteria:
 - 35 % for asylum;
 - 30 % for legal migration and integration;
 - 35 % for countering irregular migration including returns.
2. The following criteria in the area of asylum shall be taken into account and shall be weighted as follows:
 - (a) 30 % in proportion to the number of persons who fall into one of the following categories:
 - any third-country national or stateless person having been granted the status defined by the Geneva Convention relating to the Status of Refugees of 28 July 1951 as amended by the New York Protocol of 31 January 1967;
 - any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2011/95/EU;
 - any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC ⁽¹⁾;
 - (b) 60 % in proportion to the number of third-country nationals or stateless persons who have applied for international protection;
 - (c) 10 % in proportion to the number of third-country nationals or stateless persons who are being or have been resettled in a Member State.
3. The following criteria in the area of legal migration and integration shall be taken into account and shall be weighted as follows:
 - (a) 50 % in proportion to the total number of legally residing third-country nationals in a Member State;
 - (b) 50 % in proportion to the number of third-country nationals who have obtained a first residence permit; however, the following categories of persons shall not be included:
 - third-country nationals issued with a work-related first residence permit valid for less than 12 months;
 - third-country nationals admitted for the purposes of studies, pupil exchange, unremunerated training or voluntary service in accordance with Council Directive 2004/114/EC ⁽²⁾ or, where applicable, Directive (EU) 2016/801 of the European Parliament and of the Council ⁽³⁾;

⁽¹⁾ Data to be taken into account only in case of the activation of Directive 2001/55/EC.

⁽²⁾ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375, 23.12.2004, p. 12).

⁽³⁾ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

▼B

— third-country nationals admitted for purposes of scientific research in accordance with Council Directive 2005/71/EC ⁽⁴⁾ or, where applicable, Directive (EU) 2016/801.

4. The following criteria in the area of countering irregular migration including returns shall be taken into account and shall be weighted as follows:
 - (a) 70 % in proportion to the number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return;
 - (b) 30 % in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion.
5. For initial allocation the reference figures shall be based upon the annual statistical data produced by the Commission (Eurostat) covering the years 2017, 2018 and 2019 on the basis of data provided by Member States prior to the date of application of this Regulation in accordance with Union law. For the mid-term review, the reference figures shall be based upon the annual statistical data produced by the Commission (Eurostat) covering the years 2021, 2022 and 2023 on the basis of data provided by Member States in accordance with Union law. Where Member States have not supplied the Commission (Eurostat) with the statistical data concerned, they shall provide provisional data as soon as possible.
6. Before accepting the data referred to in paragraph 5 as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

⁽⁴⁾ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, p. 15).



ANNEX II

IMPLEMENTATION MEASURES

1. The Fund shall contribute to the specific objective set out in point (a) of Article 3(2) by focusing on the following implementation measures:
 - (a) ensuring the uniform application of the Union *acquis* and of the priorities related to the Common European Asylum System;
 - (b) supporting the capacity of Member States' asylum systems as regards infrastructures and services where necessary, including at local and regional level;
 - (c) enhancing cooperation and partnership with third countries for the purpose of managing migration, including by enhancing their capacities to improve the protection of persons in need of international protection in the context of global cooperation efforts;
 - (d) providing technical and operational assistance to one or several Member States, including in cooperation with EASO.
2. The Fund shall contribute to the specific objective set out in point (b) of Article 3(2) by focusing on the following implementation measures:
 - (a) supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration *acquis*, including family reunification and the enforcement of labour standards;
 - (b) supporting measures to facilitate regular entry into and residence in the Union;
 - (c) enhancing cooperation and partnership with third countries for the purpose of managing migration, including through legal avenues of entry to the Union, in the context of global cooperation efforts in the area of migration;
 - (d) promoting integration measures for the social and economic inclusion of third-country nationals and protection measures for vulnerable persons in the context of integration measures, facilitating family reunification and preparing for the active participation of third-country nationals in, and their acceptance by, the receiving society, with the involvement of national and, in particular, regional or local authorities and civil society organisations, including refugee organisations and migrant-led organisations, and social partners.
3. The Fund shall contribute to the specific objective set out in point (c) of Article 3(2) by focusing on the following implementation measures:
 - (a) ensuring the uniform application of the Union *acquis* and policy priorities regarding infrastructure, procedures and services;
 - (b) supporting an integrated and coordinated approach to return management at the Union and Member State level, to the development of capacities for effective, dignified and sustainable return, and to reducing incentives for irregular migration;
 - (c) supporting assisted voluntary return, family tracing and reintegration, while respecting the best interests of the child;
 - (d) strengthening cooperation with third countries and their capacity, with respect to readmission and sustainable return.

▼B

4. The Fund shall contribute to the specific objective set out in point (d) of Article 3(2) by focusing on the following implementation measures:
 - (a) enhancing solidarity and cooperation with third countries affected by migratory flows, including through resettlement in the Union and through other legal avenues to protection in the Union;
 - (b) supporting transfers from one Member State to another of applicants for international protection or beneficiaries of international protection.



ANNEX III

SCOPE OF SUPPORT

1. Within the policy objective set out in Article 3(1), the Fund shall in particular support:
 - (a) the establishment and development of national, regional and local strategies in relation to asylum, legal migration, integration, return and irregular migration in accordance with the relevant Union *acquis*;
 - (b) the setting up of administrative structures, tools and systems, including ICT systems, and the training of staff, including the staff of local authorities and of other relevant stakeholders, in cooperation with relevant decentralised agencies, where appropriate;
 - (c) the establishment of contact points at the national, regional and local levels to provide impartial guidance, practical information and assistance regarding all aspects of the Fund to potential beneficiaries and eligible entities;
 - (d) the development, monitoring and evaluation of policies and procedures, including the collection, exchange and analysis of information and data; the dissemination of qualitative and quantitative data and statistics on migration and international protection; and the development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;
 - (e) the exchange of information, best practices and strategies; mutual learning, studies and research; the development and implementation of joint actions and operations; and the setting-up of transnational cooperation networks;
 - (f) assistance and support services provided in a gender-sensitive manner that are consistent with the status and the needs of the person concerned, in particular vulnerable persons;
 - (g) actions aimed at the effective protection of children in migration, including the implementation of assessments of the best interests of the child, the strengthening of guardianship systems, as well as the development, monitoring and evaluation of child safeguarding policies and procedures;
 - (h) actions aimed at enhancing awareness among stakeholders and the general public of policies relating to asylum, integration, legal migration and return, with specific attention to vulnerable persons, including minors.
2. Within the specific objective set out in point (a) of Article 3(2), the Fund shall in particular support:
 - (a) the provision of material aid, including assistance at the border;
 - (b) the conducting of asylum procedures in accordance with the asylum *acquis*, including the provision of support services such as translation and interpretation, legal assistance, family tracing and other services which are consistent with the status of the person concerned;
 - (c) the identification of applicants with special procedural or reception needs, including the early identification of victims of trafficking, with a view to their referral to specialised services such as psycho-social and rehabilitation services;
 - (d) the provision of specialised services such as qualified psycho-social and rehabilitation services to applicants with special procedural or reception needs;

▼B

- (e) the establishment or improvement of reception accommodation infrastructure, such as small scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and including the possible joint use of such facilities by more than one Member State;
 - (f) the enhancement of the capacity of Member States to collect, analyse and share among their competent authorities country of origin information;
 - (g) actions related to Union resettlement programmes or national resettlement and humanitarian admission schemes, including the conducting of procedures for their implementation;
 - (h) the enhancement of the capacities of third countries to improve the protection of persons in need of protection, including through supporting the development of protection systems for children in migration;
 - (i) the establishment, development and improvement of effective alternatives to detention, in particular in relation to unaccompanied minors and families, and including, where appropriate, non-institutionalised care integrated into national child protection systems.
3. Within the specific objective set out in point (b) of Article 3(2), the Fund shall in particular support:
- (a) information packages and campaigns to raise awareness of legal migration channels to the Union, including on the Union legal migration *acquis*;
 - (b) the development of mobility schemes to the Union, such as circular or temporary migration schemes, including training to enhance employability;
 - (c) cooperation between third countries and the recruitment agencies, the employment services and the immigration services of Member States;
 - (d) the assessment and recognition of skills and qualifications, including professional experience, acquired in a third country, as well as their transparency, and their equivalence with those of a Member State;
 - (e) assistance in the context of applications for family reunification to ensure a harmonised implementation of Council Directive 2003/86/EC ⁽¹⁾;
 - (f) assistance, including legal assistance and representation, in relation to a change of status for third-country nationals already legally residing in a Member State, in particular in relation to the acquisition of a legal residence status as defined at Union level;
 - (g) assistance to third-country nationals seeking to exercise their rights, in particular related to mobility, under Union legal migration instruments;
 - (h) integration measures, such as tailored support in accordance with the needs of third-country nationals, and integration programmes focusing on counselling, education, language and other training, such as civic orientation courses and professional guidance;
 - (i) actions promoting equality in access to public and private services by third-country nationals and the provision of such services to third-country nationals, including access to education, healthcare and psycho-social support and adapting such services to the needs of the target group;

⁽¹⁾ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

▼B

- (j) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops;
 - (k) actions enabling and supporting the introduction of third-country nationals to, and their active participation in, the receiving society and actions promoting acceptance by the receiving society;
 - (l) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through consultation with third-country nationals, and intercultural and inter-religious dialogue;
 - (m) building the capacity of integration services provided by local authorities and other relevant stakeholders.
4. Within the specific objective set out in point (c) of Article 3(2), the Fund shall in particular support:
- (a) the establishment or improvement of open reception or detention infrastructure, including the possible joint use of such facilities by more than one Member State;
 - (b) the introduction, development, implementation and improvement of effective alternative measures to detention, including community-based case management, in particular in relation to unaccompanied minors and families;
 - (c) the introduction and reinforcement of independent and effective forced-return monitoring systems, as laid down in Article 8(6) of Directive 2008/115/EC;
 - (d) the countering of incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, and information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC;
 - (e) the preparation of returns, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents and family tracing;
 - (f) cooperation with the consular authorities and immigration services or other relevant authorities and services of third countries with a view to obtaining travel documents, facilitating returns and ensuring readmission, including through the deployment of third-country liaison officers;
 - (g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes, including by providing specific guidance for children in return procedures;
 - (h) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of support for coercive equipment;
 - (i) measures to support the returnee's sustainable return and reintegration, including cash-incentives, training, placement and employment assistance and start-up support for economic activities;
 - (j) facilities and support services in third countries to ensure appropriate temporary accommodation and reception upon arrival and, where appropriate, a fast transition to community-based accommodation;
 - (k) cooperation with third countries regarding countering irregular migration and regarding effective return and readmission;

▼B

- (l) measures aimed at raising awareness of the appropriate legal channels for migration and the risks of irregular immigration;
 - (m) assistance and actions in third countries which help to improve effective cooperation between third countries and the Union and its Member States regarding return and readmission and to support reintegration into the society of origin.
5. Within the specific objective set out in point (d) of Article 3(2), the Fund shall in particular support:
- (a) the implementation of voluntary transfers from one Member State to another of either applicants for international protection or beneficiaries of international protection;
 - (b) operational support in terms of seconded staff or financial assistance provided by a Member State to another Member State affected by migration challenges, including support provided to EASO;
 - (c) the voluntary implementation of national resettlement or humanitarian admission schemes;
 - (d) support by a Member State to another Member State affected by migration challenges in terms of establishment or improvement of reception infrastructure.

*ANNEX IV***ACTIONS ELIGIBLE FOR HIGHER CO-FINANCING RATES IN ACCORDANCE WITH ARTICLES 15(3) AND 16(9)**

- Integration measures implemented by local and regional authorities and civil society organisations, including refugee organisations and migrant-led organisations;
- Actions to develop and implement effective alternatives to detention;
- Assisted voluntary return and reintegration programmes and related activities;
- Measures targeting vulnerable persons and applicants for international protection with special reception or procedural needs, including measures to ensure effective protection of minors, in particular unaccompanied minors, including through alternative, non-institutionalised care systems.



ANNEX V

CORE PERFORMANCE INDICATORS AS REFERRED TO IN ARTICLE 33(1)

All indicators related to persons shall be reported by age brackets (< 18, 18-60, > 60) and by gender.

Specific objective set out in point (a) of Article 3(2)

1. Number of participants who consider the training useful for their work.
2. Number of participants who report three months after the training activity that they are using the skills and competences acquired during the training.
3. Number of persons placed in alternatives to detention, separately specifying:
 - 3.1. the number of unaccompanied minors placed in alternatives to detention;
 - 3.2. the number of families placed in alternatives to detention.

Specific objective set out in point (b) of article 3(2)

1. Number of participants in language courses who, upon leaving the language course, have improved their proficiency level in the host-country language by at least one level in the Common European Framework of Reference for Languages or national equivalent.
2. Number of participants who report that the activity was helpful for their integration.
3. Number of participants who applied for the recognition or assessment of qualifications or skills acquired in a third country.
4. Number of participants who applied for a long-term residence status.

Specific objective set out in point (c) of Article 3(2)

1. Number of returnees voluntarily returned.
2. Number of returnees who were removed.
3. Number of returnees subject to alternatives to detention.

Specific objective set out in point (d) of Article 3(2)

1. Number of applicants for and beneficiaries of international protection transferred from one Member State to another.
2. Number of persons resettled.
3. Number of persons admitted through humanitarian admission.



ANNEX VI

TYPES OF INTERVENTION

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

I. Common European Asylum System	
001	Reception conditions
002	Asylum procedures
003	Implementation of the Union <i>acquis</i>
004	Children in migration
005	Persons with special reception and procedural needs
006	Union resettlement programmes or national resettlement and humanitarian admission schemes (Annex III, point 2(g))
007	Operating support
II. Legal migration and integration	
001	Development of integration strategies
002	Victims of trafficking in human beings
003	Integration measures – information and orientation, one-stop shops
004	Integration measures – language training
005	Integration measures – civics and other training
006	Integration measures – introduction, participation, exchanges host society
007	Integration measures – basic needs
008	Pre-departure measures
009	Mobility schemes
010	Acquisition of legal residence
011	Vulnerable persons, including unaccompanied minors
012	Operating support
III. Return	
001	Alternatives to detention
002	Reception/detention conditions
003	Return procedures
004	Assisted voluntary return
005	Reintegration assistance
006	Removal/Return operations
007	Forced-return monitoring system
008	Vulnerable persons, including unaccompanied minors
009	Measures addressing incentives for irregular migration
010	Operating support

▼B

IV. Solidarity and fair sharing of responsibility	
001	Transfers to another Member State ('relocation')
002	Support by a Member State to another Member State, including support provided to EASO
003	Resettlement (Article 19)
004	Humanitarian admission (Article 19)
005	Support, in terms of reception infrastructure, to another Member State
006	Operating support
V. Technical assistance	
001	Information and communication
002	Preparation, implementation, monitoring and control
003	Evaluation and studies, data collection
004	Capacity building

TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

001	Development of national strategies
002	Capacity building
003	Education and training for third-country nationals
004	Development of statistical tools, methods and indicators
005	Exchange of information and best practices
006	Joint actions/operations between Member States
007	Campaigns and information
008	Exchange and secondment of experts
009	Studies, pilot projects, risk assessments
010	Preparatory, monitoring, administrative and technical activities
011	Provision of assistance and support services to third-country nationals
012	Infrastructure
013	Equipment

TABLE 3: CODES FOR THE IMPLEMENTATION DIMENSION

001	Actions covered by Article 15(1)
002	Specific actions
003	Actions listed in Annex IV
004	Operating support
005	Emergency assistance



TABLE 4: CODES FOR THE PARTICULAR THEMES DIMENSION

001	Cooperation with third countries
002	Actions in or in relation to third countries
003	None of the above

*ANNEX VII***EXPENDITURE ELIGIBLE FOR OPERATING SUPPORT**

Within all specific objectives set out in Article 3(2), operating support shall cover:

- staff costs;
- service costs, such as maintenance or replacement of equipment, including ICT systems;
- service costs, such as maintenance and repair of infrastructure.



ANNEX VIII

OUTPUT AND RESULT INDICATORS AS REFERRED TO IN ARTICLE 33(3)

All indicators relating to persons shall be reported by age brackets (< 18, 18-60, > 60) and by gender.

Specific objective set out in point (a) of Article 3(2)

Output indicators

1. Number of participants supported, separately specifying:
 - 1.1. the number of participants who received legal assistance;
 - 1.2. the number of participants benefiting from types of support other than legal assistance, including information and assistance throughout the asylum procedure ⁽¹⁾;
 - 1.3. the number of vulnerable participants assisted.
2. Number of participants in training activities.
3. Number of newly created places in reception infrastructure in accordance with Union *acquis*, separately specifying:
 - 3.1. the number of newly created places for unaccompanied minors.
4. Number of renovated or refurbished places in reception infrastructure in accordance with Union *acquis*, separately specifying:
 - 4.1. the number of renovated or refurbished places for unaccompanied minors.

Result indicators

5. Number of participants who consider the training useful for their work.
6. Number of participants who report three months after the training activity that they are using the skills and competences acquired during the training.
7. Number of persons placed in alternatives to detention, separately specifying:
 - 7.1. the number of unaccompanied minors placed in alternatives to detention;
 - 7.2. the number of families placed in alternatives to detention.

Specific objective set out in point (b) of Article 3(2)

Output indicators

1. Number of participants in pre-departure measures.
2. Number of local and regional authorities supported to implement integration measures.
3. Number of participants supported, separately specifying:
 - 3.1. the number of participants in a language course;
 - 3.2. the number of participants in a civic orientation course;
 - 3.3. the number of participants who received personalised professional guidance.

⁽¹⁾ This indicator is generated automatically for reporting purposes by the system by subtracting the number of participants who received legal assistance from the number of participants supported. The data for this indicator is generated by SFC2021 for reporting purposes. Member States do not need to report data for this indicator, nor do they need to set milestones or targets.

▼B

4. Number of information packages and campaigns to raise awareness of legal migration channels to the Union.
5. Number of participants receiving information or assistance in applying for family reunification.
6. Number of participants benefitting from mobility schemes.
7. Number of integration projects where local and regional authorities are the beneficiary.

Result indicators

8. Number of participants in language courses who, upon leaving the language course, have improved their proficiency level in the host-country language by at least one level in the Common European Framework of Reference for Languages or national equivalent.
9. Number of participants who report that the activity was helpful for their integration.
10. Number of participants who applied for their qualification or skills acquired in a third country to be recognised or assessed.
11. Number of participants who applied for a long-term residence status.

Specific objective set out in point (c) of Article 3(2)

Output indicators

1. Number of participants in training activities.
2. Number of items of equipment purchased, including number of ICT systems purchased or updated.
3. Number of returnees who received reintegration assistance.
4. Number of places in detention centres created.
5. Number of places in detention centres refurbished or renovated.

Result indicators

6. Number of returnees voluntarily returned.
7. Number of returnees who were removed.
8. Number of returnees subject to alternatives to detention.

Specific objective set out in point (d) of Article 3(2)

Output indicators

1. Number of staff trained.
2. Number of participants who received pre-departure support.

Result indicators

3. Number of applicants for and beneficiaries of international protection transferred from one Member State to another.
4. Number of persons resettled.
5. Number of persons admitted through humanitarian admission.