



EUROPEAN COMMISSION

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REGULATORY SCRUTINY BOARD OPINION

**Proposal for a Regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund**

**Proposal for a Regulation of the European Parliament and of the Council
establishing the Internal Security Fund**

**Proposal for a Regulation of the European Parliament and of the Council
establishing, as part of the Integrated Border Management Fund, the
instrument for financial support for border management and visa**

**Proposal for a Regulation of the European Parliament and of the Council
establishing, as part of the Integrated Border Management Fund, the
instrument for financial support for customs control equipment**

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EUROPEAN COMMISSION
Regulatory Scrutiny Board

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Opinion

Title: Impact Assessment - MFF Programme / Migration and Internal Security for the period 2021-2027

Overall opinion: POSITIVE

(version of 27 March 2018)*

(A) Context

The Commission plans to propose a new multiannual financial framework (MFF) for EU spending. The MFF will set an overall budget envelope and allocate funds across main headings. The process involves important choices about implementation.

MFF-related impact assessment reports should focus on those changes and policy choices that the MFF proposal leaves open. On account of proportionality, the impact assessment template has been adjusted for this purpose. The reports should explain programmes' structures and priorities, and options for service delivery. The reports should draw lessons from experience to date, explain what challenges successor programmes will face, and explain how they would deliver on objectives, e.g. simplification, greater flexibility or better performance. Impact assessments should also explain how future monitoring and evaluation would work.

This report examines successors to the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF). It draws on evaluations of the Home Affairs Funds in the 2007-2013 programming period and interim evaluations of AMIF and ISF for the current period. Further, it considers the merits of an Integrated Border Management Fund. This would be a new instrument dedicated to customs control equipment. It would complement existing channels of financial support for border management.

(B) Main considerations

The Board understands that the policy intention is primarily to ensure continuity in the set-up of the current instruments. There are limited adaptations to priorities and supported actions. The Board takes note of services' intention to integrate into the report certain clarifications on e.g. the main changes and priorities compared to the current programming period, the distribution key, the emergency assistance mechanism of the Fund and its relation to the Emergency Aid reserve, and arrangements for monitoring.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

The Board gives a positive opinion, with a recommendation to further improve the report with respect to the following key aspects:

- (1) The report does not sufficiently explain the new instrument for customs control equipment. It does not say why a direct management mode is appropriate.**
- (2) The report does not explain how increasing EU competence in these areas and expanded role of agencies will affect the overall system.**

(C) Further considerations and recommendations for improvement

(1) The report should clarify how the new fund for customs control equipment will be managed. It should explain why it considers direct management to be the most appropriate delivery mechanism. The current text gives the impression that an executive agency is a possibility. This is reportedly not the case, so the text should be adjusted to not mislead. As customs control equipment is a new area of intervention in these funds, the report should add a dedicated annex on customs control equipment and on the chosen delivery mechanism.

(2) The report should present the main changes in the programme structure and the priorities compared to the current programming period. Moreover, the report should clarify the scope of the external component of the programme, i.e. its complementarity with the external instruments.

(3) The report should also explain how the extension of EU competence and larger role for agencies affects the roles of the respective programmes. Does it increase the need for actions at national level, for delegation to the agencies, or reduce the priority of some interventions?

(4) The Board understands that the new mechanism for performance reserves was still under development when drafting the report. Its final version should however update and clarify the chosen mechanism and justify it in the light of experience from other EU funds (as orally explained to the Board).

(5) The report should clarify how the new emergency mechanism will function within the envelopes of each of the three funds for migration and security, and that the use of emergency assistance should be limited due to the new flexibility provided by the thematic facility. It should explain the advantage of this mechanism over emergency funding in the previous programming period.

(6) The monitoring arrangements are not well developed. The report should clarify how the programmes' success will be defined and measured.

The Board notes that this impact assessment will eventually be complemented with specific budgetary arrangements and may be substantially amended in line with the final policy choices of the Commission's MFF proposal.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

Without prejudice to the complements and amendments to the report to be introduced as a result of the policy choices of the MFF proposal, the lead DG will ensure that the recommendations of the Board are taken into account prior to launching the interservice consultation.

Full title	Impact assessment accompanying the proposals for a Regulation establishing the Asylum and Migration Fund, a Regulation establishing the Internal Security Fund, a Regulation establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management, a Regulation establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment
Reference number	MFF proposal
Date of RSB meeting	11/04/2018