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ANNEX

ANNEX

to the

COMMISSION IMPLEMENTING DECISION

amending Commission Implementation Decision C(2017)3045 concerning the adoption of the work programme for 2017 and the financing for emergency assistance within the framework of the Asylum, Migration and Integration Fund

ANNEX

Annual work programme for 2017 and the financing for emergency assistance within the framework of the Asylum, Migration and Integration Fund.

On the basis of the objective of strengthening and developing the Common European Asylum System and enhancing solidarity and responsibility sharing between Member States covered by this budget line, this work programme contains the actions to provide emergency assistance.

All Member States, with the exception of Denmark, are participating in the "Asylum, Migration and Integration Fund": hence entities established in the participating Member States can take part as beneficiaries in the actions that are supported under this financial instrument. Entities established in Denmark can only participate on a no-cost basis.

All activities implemented under this work programme shall respect and shall be implemented in line with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, and shall promote gender equality, applying a full gender mainstreaming perspective, and the rights of the child.

Consistency, complementarity and synergies with other Union instruments shall be ensured.

As foreseen in Article 3(4) (5) of Regulation (EU) n° 514/2014¹ (Horizontal Regulation), actions in and in relation to third countries under this work programme will be carried out in synergy and in coherence with other actions outside the Union supported through Union funds, in particular external assistance instruments. The identification and implementation of such actions is fully coordinated with EEAS and relevant Commission's external relations services, including DG ECHO as far as humanitarian assistance is concerned.

As foreseen in Article 21(1) of Regulation (EU) n° 516/2014², the implementation of emergency assistance in third countries is consistent with, and, where relevant, complementary to the Union humanitarian policy and respects the humanitarian principles as set out in the European Consensus on Humanitarian Aid.

¹ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

² Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

LEGAL BASIS

Articles 6, 7 and 8 of Regulation (EU) No 514/2014; point (k) of Article 2 and Article 21 of Regulation (EU) No 516/2014

Budget line	Amount for AWP 2017
Budget line 18 03 01 01 – Strengthening and developing the Common European Asylum System and enhancing solidarity and responsibility sharing between the Member States	EUR 402 500 000

Implementation modalities		Total Amount	% of the 2017 appropriations for AWP
Direct management to be implemented by DG HOME	Grants – Direct award	EUR 402 500 000	100%
TOTAL		EUR 402 500 000	100.0%

1.1. Introduction

Based on the objectives given in the Article 21 of Regulation (EU) No 516/2014 this work programme contains the actions to be financed and the budget breakdown for year 2017 as follows:

- for grants implemented under direct management (1.2.1)

1.2. Grants

Legal Basis

Articles 6, 7 and 8 of Regulation (EU) No 514/2014; point (k) of Article 2 and Article 21 of Regulation (EU) No 516/2014

1.2.1. Description and objective of the assistance to be provided

- Enhance solidarity by ensuring consistency and complementarity with EU humanitarian assistance, by providing additional support to address emergency situations of heavy migratory pressure in Member States or third countries, or in the

event of mass influx of displaced persons, pursuant to Council Directive 2001/55/EC³, through emergency assistance, including relocation from Greece and Italy to other Member States;

- Support ad hoc humanitarian admission programmes aimed at allowing temporary stay on the territory of a Member State in the event of an urgent humanitarian crisis in third countries, and also provide support in specific situations covered by Article 33 of the Dublin Regulation (EU) No 604/2013⁴.

The emergency assistance shall be provided for as long as the emergency situation lasts.

1.2.2. *Rate of co-financing and other information*

Maximum possible rate of co-financing of the eligible costs

Up to 100% of the total eligible costs.

Other information

The grant shall be covered by a written agreement.

Emergency assistance may support expenditure which was incurred prior to the date of submission of the request for assistance, if this is necessary for the successful implementation of the action and it is demonstrated that the emergency situation prevailed earlier than the submission of the request.

Under emergency assistance, actions defined in Regulation (EU) 516/2014 will be supported to address urgent and specific needs in the event of an emergency situation. These actions may include, but are not limited to, provision of support services such as translation/interpretation, legal assistance, identification of vulnerable groups and specific assistance for vulnerable persons, the establishment, maintenance and improvement of accommodation services, the provision of social assistance, measures necessary for the preparation of return operations, pre-departure measures such as health checks or cultural orientation, as well as the physical transfer of applicants and/or beneficiaries of international protection (hereinafter "relocation") between Member States.

In the case of emergency actions related to relocation, these will have the same nature as the actions envisaged under Article 7 of Regulation (EU) 516/2014⁵. In this respect, considering that the fixed contribution of EUR 6 000 established by Article 18 of the same regulation was already used in the context of the emergency relocation scheme financed under shared management in application of Article 10 of Council Decision (EU) 2015/1523 and Article 10 of Council Decision (EU) 2015/1601, by analogy, the Member States of relocation may

³ 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).

⁴ 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).

⁵ Article 7 of Regulation (EU) 516/2014 "...the fund shall also support actions similar to those listed in paragraph 1 of this Article, where deemed appropriate in the light of policy development within the implementation period of the fund or where the national programme of a Member State makes such provisions, in relation to the transfer of applicants for and/or beneficiaries of international protection."

request under this Annual Work Programme the same fixed contribution of EUR 6 000 per each relocated person.

In accordance with Article 25 of Regulation (EU) 516/2014, this amount is "granted provided that the person in respect of whom the lump sum is allocated was effectively resettled and/or transferred".

The use of unit costs justified due to the equivalence of the operations financed under emergency assistance and shared management and to ensure respect for the principle of equal treatment of beneficiaries for the same category of actions in accordance with Article 124 (1) of Regulation (EU, Euratom) No 966/2012.

The indicative time table for grants: Q1–Q4.

1.2.3. Implementation mode - direct award of action grants

The emergency assistance will be provided in the form of action grants awarded directly without a call for proposals, following a proposal for action, including a request for funding, submitted to the Commission by one of the eligible entities defined here below, in accordance with the provisions of Article 128 of Regulation (EU, Euratom) No 966/2012⁶ (the Financial Regulation) and Article 190(1)(b) of Delegated Regulation (EU) No 1268/2012⁷ (the Rules of Application).

Essential eligibility, selection and award criteria

Eligibility criteria

- Applications for emergency assistance can be submitted only by Member States or their regions when the topic is under regional competence, International Organisations or Union agencies. Other entities can be involved in the implementation of the action as co-applicants. Applications can also be submitted by any other entity, provided that the entity concerned operates under the effective control of a Member State, or that the Member State is co-applicant.

Selection criteria

In accordance with Article 132 of the Financial Regulation and Article 202 of the Rules of Application, proposals for action shall be evaluated on the basis of the following selection criteria:

- Financial capacity - Applicants and co-applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the activity is being carried out and to participate in its funding.
- Operational capacity - Applicants and co-applicants must have the professional resources, competences and qualifications required to complete the proposed action.
- The verification of the financial and operational capacity shall not apply to public

⁶ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 150, 20.5.2014, p. 112).

⁷ Commission Delegated Regulation (EU, Euratom) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

bodies and international organisations.

Award criteria

In accordance with Article 132 of the Financial Regulation and Article 203 of the Rules of Application, proposals for an action shall be evaluated on the basis of relevance of the proposal with regards to the objectives and the expected impact of the proposed activities on addressing the emergency situation in the countries concerned.

Reference	Date	Amount
HOME/2017/AMIF/AG/EMAS	At the initiative of Member States, including their specialized agencies, International Organisations or Union Agencies	EUR 402 500 000