



EUROPEAN COMMISSION

DIRECTORATE-GENERAL JUSTICE, FREEDOM and SECURITY

Directorate C : Migration and Borders

EUROPEAN RETURN FUND 2008-2013¹

COMMUNITY ACTIONS

CALL FOR PROPOSALS 2009

Deadline for application

**The completed application and annexes must be submitted to the
Commission by**

21 May 2010

**Applications submitted after the deadline will be automatically
rejected**

¹ The RETURN Fund 2008-2013 was established by Decision No 575/2007/EC of the European Parliament and of the Council.

1. Introduction

1.1 GENERAL OBJECTIVES

The Decision of the European Parliament and of the Council No 575/2007/EC of 23 May 2007 established the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (see OJ L 144, 6.6.2007, p.45) (hereafter 'the Decision').

The objective of the Fund is to support the efforts made by the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by providing for joint actions to be implemented by Member States or national actions that pursue European Union objectives under the principle of solidarity, taking account of European Union legislation in this field and in full compliance with fundamental rights.

The Fund is part of a policy mix of instruments and measures available to the European Union for integrated management of returns. The bulk of resources available for the Fund is allocated to the Member States² each year (shared management), in order to support actions relating to the general objectives defined in Article 2 of the Decision. In accordance with Article 6(1) of the Decision, the Commission may use up to 7% of the Fund's available resources to finance transnational actions or actions of interest to the European Union as a whole (hereinafter referred to as 'Community actions'). The budget for Community actions for 2009 amounts to **3.205.000,00 €** which shall be used for the following objective defined in Article 6(2) (b) and (e):

Support the setting-up of transnational cooperation networks and pilot projects based on transnational partnership between bodies located in two or more Member States designed to stimulate innovation, facilitate the exchange of experience and good practice and improve the quality of return policy.

Support pilot projectsexploring the possibility of new forms on community cooperation and Community law in this area.

1.2 Priorities and eligible actions

The objectives laid down in Article 6(2) (b) and (e) of the Decision will be pursued in 2009 by taking into account the policy context and by further building on priorities identified for the "Preparatory Actions: Migration Management - Solidarity in Action". The eligible actions for each of the two categories are described below:

² For the purpose of the European Return Fund and in line with Decision No 575/2007/EC, the term "Member States" covers all Member States with the exception of Denmark.

Category 1 Cooperation of two or more Member States with third country consular authorities and immigration services in order to facilitate return

Policy context

Available information on return decisions and effected removals shows that in many Member States less than 50% of the return decisions are implemented. In some Member States the situation is even worse (less than 25% of the return decisions are carried out). Moreover, the effectiveness of return policy decreased from 2004 to 2007. While the number of return decisions issued decreased only slightly from 521.244 in 2004 to 488.475 in 2007 (- 6.3%), the number of effected removals went down from 252.391 in 2004 to 226.179 in 2007 (- 10.4%).

To stop this trend, the cooperation with third country immigration services and consular authorities, besides the cooperation of the returnee as an inevitable precondition for an effective return policy, has to be improved. European Union re-admission agreements are one main element in this respect. The same goes in principle for bilateral readmission agreements or other kind of working arrangements between the countries of destination and the countries of origin, respectively, on transit. At the moment, nearly all Member States carry out – as a rule – unilateral efforts to develop or improve such working arrangements with third countries. In order to further develop such cooperation and to rally Member States' initiatives, Member States should be encouraged to share best practices and to explore ways to allow other Member States to participate in already existing working arrangements.

Eligible actions

Setting up and further development of common approaches of cooperation with third country consular authorities and immigration services with participation of **at least two Member States** in order to make use of good practices in the field of cooperation already developed by one of the participating Member States. These good practices should focus on the commitment of the Member States and associated third-country authorities to a return procedure fully respecting the fundamental rights and in particular dignity of the returnees.

Eligible costs must be directly related to setting up and further development of cooperation by the Member States with the third countries, such as common meetings, common missions to the third countries concerned; common training for Member States' and associated third-country staff with a particular emphasis on human rights related aspects, participation of third country authorities in joint return operations, creation of a common database preferably in the framework of the ICONet etc.

Category 2 Joint Return operations

Policy context

According to the "Pact on Immigration" and the recently adopted Stockholm Program the cooperation among Member States in the area of return and in particular in joint return

operations is one main element of the future common policy in the fight against illegal immigration. Consequently, the cooperation among Member States is identified as a priority in the Strategic Guidelines for the Return Fund.

The future legal framework for joint return operations is set by the Return Directive and in particular those provisions dealing with enforced return. Article 8 (6) of the Directive obliges Member States to provide for an effective forced-return monitoring system.

As already mentioned in the "General Background", the *Council Conclusions on the improvement of cooperation between Member States, the Commission and FRONTEX in the field of return* call on Member States to step up their practical cooperation and collaboration, and on FRONTEX to assist Member States' authorities with return. Some efforts have already been undertaken by Member States and in particular by FRONTEX: the Agency has³ provided assistance for the organisation of 61 joint return operations, involving a total of around 2.850 returnees.

On the other hand, it should be mentioned that only a few Member States foresee in their national Annual Programme(s) joint return operations. The main reason for this seems to be a lack of experience of how to organise such operations.

In addition, only a few of these Member States having organised joint return operations, have already gained experiences in implementing a forced-return monitoring system as required by Article 8 (6) of the Return Directive. In order to allow more Member States to gain experiences in the field of joint return operations and to promote the establishment of force-return monitoring systems, Member States should be encouraged to share their best practices and to carry out joint removals in full respect of the human rights and dignity of the returnees. To ensure the latter and to promote forced-return monitoring, the participation of an independently acting monitor will be mandatory for any co-funded joint operation.

Eligible actions

- Implementation of joint return operations by air or land with the participation of at least two Member States, an independently acting monitor and preferably assisted by FRONTEX, in order to enhance the practical cooperation in this area and ensure the exchange and dissemination of lessons learnt among Member States.

Eligible costs must be directly related to joint return operations, such as preparatory meetings, costs for the charter of an aircraft, special travel expenses for the accompanying staff and participating third parties (third country authorities, independent monitors etc.), costs for common missions to prepare the operations, training for staff etc. In the case of FRONTEX, activities scheduled in the FRONTEX annual work programme and any administrative costs may not be financed by the European Return Fund⁴.

³ As of 31 December 2009.

⁴ Indeed, FRONTEX may participate in joint European Union actions pursuant article to 9 of its legal basis (Council Regulation n° 2007/2004 of 26 October 2004, as amended): "*Subject to the Community return policy, the Agency shall provide the necessary assistance for organising joint return operations of Member States. The Agency may use Community financial means available in the field of return.*"

2. Distribution of Resources

For each of the categories of actions listed in section 1.2, the amount of grant per project will not exceed **90%** of the total eligible costs.

The **duration and the minimum funding** per project are fixed as follows:

Category of Community actions, as defined in section 1.2		Indicative Minimum EU funding per project in €	Duration	
Category 1 (Cooperation of several Member States with third country consular authorities and immigration services in order to facilitate return)		Minimum: 150.000	Maximum 18 months	
Category 2 (Joint return operations)		Minimum: 250.000	Maximum 18 months	

The above figures on the minimum funding relate to the amount of grant requested from the European Union (EU funding) and not to the total cost of the project. The Commission will determine the amounts of financial assistance to be awarded, based on the available budget.

3. Grants awarded through a call for proposals (Categories 1 and 2)

3.1 Access to the programme

This call for proposals is addressed **only to public authorities** with responsibilities in the field of return policy, which are registered in the Member States, i.e. for the purpose of this work programme:

- the 26 Member States which are participating in the Fund (i.e. all Member states except Denmark). This means that the cost for the participation of Denmark may not be covered by the European Union contribution and must be financed entirely by non-European Union resources.

The following can be included as partners (co-beneficiaries and/or associated partners):

- public authorities from the 26 Member States (at the minimum one partner in addition to the applicant);
- the FRONTEX Agency, for which activities scheduled in the FRONTEX annual work programme and any administrative costs may not be financed by the European Return Fund;
- International Organisations, private bodies and Non-Governmental Organisations registered in the 26 Member States mentioned above, provided that they all work on a strictly non-profit basis and have proven experience and expertise in the fields covered.

Attention has to be paid to ensure optimal synergy with programmes carried out at European Union and national level by the FRONTEX Agency, the Member States and international organisations. This will require effective information sharing about the activities so that the necessary contacts and connections can be made.

3.2 Exclusion criteria

Applicants, co-beneficiaries and associated partners shall declare in their honour that they are not in one of the situations listed in Article 93 and 94 of Council Regulation No 1605/2002 of 25 June 2002⁵ on the Financial Regulation applicable to the budget of the European Union.

Effective, proportionate and dissuasive administrative and financial penalties may be applied in the event of incorrect statements.

The Commission will exclude a proposal from the eligibility, selection and award procedure if any of the partners involved in the project:

- (a) is bankrupt or is being wound up, is having its affairs administered by the court, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters or is in an analogous situation arising from a similar procedure provided for in national legislation or regulation;
- (b) has been convicted of an offence concerning his/her professional conduct by a judgement which has the force of *res judicata*;
- (c) has been guilty of grave professional misconduct proven by any means which the Commission can justify;
- (d) has not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which it is established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) is currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation;
- (g) is subject to a conflict of interest;
- (h) is guilty of serious misrepresentation in supplying the information required by the authorising department as a condition of participation in the contract or grant award procedure or fail to supply this information.

3.3 Eligibility criteria

Proposals for action must be presented by public authorities from eligible Member States as defined in section 3.1.

⁵ OJ L 248, 16.09.2002, p. 1. Regulation as last amended by Council Regulation No 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p. 9)

Proposals must fall within the two categories as defined in section 1.2.

Applications for action grants must involve co-beneficiaries (or associated partners) in at least two Member States. Organisations in third countries may participate as associated partners on a non-cost basis.

The total duration of the action cannot exceed the maximum time indicated in the table in section 2.

3.4 Selection criteria

All applicants, co-beneficiaries and associated partners should have sufficient financial and operational capacity to complete the proposed action, as defined in Art 115 of the Financial Regulation and Art 176 of Implementing Rules.

3.5 Award criteria

The proposals should contain indicative budget, the objectives of the project and its intended impact must be clearly indicated, and a detailed description must be given of the activities envisaged, the results and impacts anticipated, and the approach, working methods and timetable to be followed.

Proposals which have passed eligibility and selection criteria will be evaluated according to the award criteria set out below, taking into account the funds available and the Commission will select the proposals achieving the highest score :

- *Relevance*: clarity and pertinence of the project's objectives (max 30 points)
- *Quality of the proposed action*: the thoroughness, appropriateness and feasibility of the approach, methodology, timeframe and organisation; (max 20 points)
- *Synergies*: level of synergy with programmes carried out at European Union and national level by the FRONTEX Agency and the Member States; (max 15 points)
- *Value for money*: the adequacy of the forecast budget, appropriateness of the amount requested as to the expected results, inter alia in view of the number of persons concerned by/benefitting from the project ; (max 20 points)
- *Impact of the project*: the sustainability of the project and/or its results after the termination of the grant (where relevant), the dissemination of results, lessons learned and acquired know-how beyond the national level. (max 15 points)

In order to be selected for co-financing, the project must obtain a minimum of 60 points out of 100

4. Contractual framework

The implementation will be on the basis of either a standard grant agreement for an action with a single beneficiary or a standard grant agreement for an action with multiple beneficiaries in those situations where the beneficiary will act as coordinator (the main co-beneficiary) in collaboration with other Member States or organisations (the other co-beneficiaries).

5. Payment conditions

The grant shall normally be paid under the following conditions:

- Pre-financing, representing 90% of the amount of the grant awarded upon signature of the grant agreement by the last of the parties;
- The balance upon receipt of and approval by the Commission of the final technical and financial implementation reports, accompanied by an external audit certificate and submitted together with a request for payment.
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6.1 Checks and audits

Checks and audits will be carried out in accordance with Article II.20 of the Grant Agreement (accessible on the DG JLS website).

Beneficiaries (applicants, and co-beneficiaries) are required to keep all original documents, including accounting and tax documents, or, in duly substantiated exceptional cases, certified copies of original documents relating to the agreements for a period of five years from the date of payment of the balance of amounts payable under Article I.4 of the agreement. Upon request, these documents should be made available to the Commission.

The European Court of Auditors and the European Anti-fraud Office (OLAF) will have the same audit powers, and in particular the same rights of access, as the Commission.

7. Expected results

- 12-18 projects selected;
- Cooperation in the area of return with several third countries improved;
- 5-9 joint return operations, preferably assisted by FRONTEX, carried out;

8. Visibility of European Union financing

The beneficiaries whose projects are selected for funding should undertake to ensure adequate visibility of the operation financed by the European Union. Specific reference should always be made to the fact that a project is co-financed by the European Union under the Return Fund - Community Actions 2009. Any communication or publication by the beneficiary, in any form and medium, shall indicate that sole responsibility lies with the author and that the Commission is not responsible for any use that may be made of the information contained therein.

During each operation the beneficiary shall do whatever necessary to bring the support and financing given by the European Union to the attention of the general public and the media and refer to this contribution in its internal and annual reports.

Evidence of implementation of activities undertaken in compliance with this requirement will be provided in the final reports. The beneficiary shall ensure that:

- a) all documents, including any attendance or other certificate, concerning the project include a statement indicating that the project is co-financed by the Fund;
- b) the equipment and any other material co-financed by the European Union display the EU logo, which should be of the same size and have the same prominence as the logo of the beneficiary;
- c) a permanent prominent poster of significant size is put up on all infrastructure co-financed by the European Union, stating the type and the name of the project and displaying the European flag.

The EU emblem can be found at:

http://europa.eu/abc/symbols/emblem/graphics1_en.htm

For further information concerning publicity kindly refer to the Grant Agreement, Article II.5.

9. Submission of grant application

9.1. Language of the application

In order to minimise translation delays, applicants are strongly encouraged to submit applications completed in either English or French. However, applications may be submitted in any of the official languages of the European Union. Applicants must use the forms published by the European Commission specifically for this call for proposals 2009 RETURN, available on:

http://ec.europa.eu/justice_home/funding/return/funding_return_en.htm

9.2. How to submit a grant application

The entire application should be submitted on paper in one original and two copies. Applicants are kindly requested not to bind or glue the documents and use only 2-hole folders. The application, together with all relevant annexes, should be saved and submitted on a commonly used media (USB key, CD-Rom, etc.).

Please ensure that the contents of the paper and the electronic versions are identical. In case of discrepancy between the paper and electronic versions, only the paper version will be considered.

The deadline for submitting an application is **21 May 2010**. Applications must be submitted in a sealed envelope to the address indicated below:

<p>a) by <u>registered mail</u>:</p> <p>EUROPEAN COMMISSION DG Justice, Freedom and Security - Unit C.4 RETURN Fund – Community Actions 2009 Office LX-46 08/101 B – 1049 BRUSSELS</p>	<p>c) or delivered by hand by <u>16.00 hours</u> (Brussels local time) on <u>21 May 2010</u> to:</p> <p>European Commission Central Mail Department DG Justice, Freedom and Security – Unit C.4 RETURN Fund – Community Actions 2009 office LX-46 08/101 Avenue du Bourget, 1 B - 1140 Evere</p> <p>a signed and dated receipt from the Commission's central mail service (direct or through any authorised representative of the applicant, including private messenger service etc.) will be provided</p>
<p>b) <u>by private courier service</u>:</p> <p>EUROPEAN COMMISSION DG Justice, Freedom and Security office LX-46 08/101 RETURN Fund – Community Actions 2009 Avenue du Bourget, 1 B – 1140 BRUSSELS</p> <p>Date of dispatch no later than <u>21 May 2010</u>, 24:00 CET, as evidenced by the date of dispatch, the postmark or the date of the deposit slip.</p>	
<p>Any application submitted after the deadline will automatically be rejected The envelope containing the application must be marked as follows:</p> <p>‘EUROPEAN RETURN FUND – Community ACTIONS 2009 - NOT TO BE OPENED BY THE INTERNAL MAIL SERVICE</p>	

No applications sent by fax or e-mail (partially or entirely) will be considered. Applicants should make sure that their applications are complete and all the annexes are sent before the indicated deadline.

10. Further information

10.1. Where to find the necessary information

The page on Funding possibilities of the website of Directorate-General Justice, Freedom and Security is updated whenever relevant information becomes available, therefore, applicants are advised to check it regularly.

http://ec.europa.eu/justice_home/funding/intro/funding_intro_en.htm

Any questions related to the content of the call may be sent by e-mail to the following address:

E-mail address: JLS-RETURN-FUND@ec.europa.eu

It should be noted that in the interest of equal treatment of applicants, the Commission cannot give a prior opinion on the eligibility of an applicant, a partner on action or specific activity.

11. Data protection

Data concerning the grant beneficiaries, their partners, the amount, rate of grant, and purpose of each grant and the summary of the results of the projects will be published on the internet site of DG JLS.

The grant application will be processed by computer. All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data⁶. If, at any stage of the administrative treatment of grant applications, the persons or entities concerned consider that they have been affected by an instance of maladministration, they may, irrespective of any other means of redress, make a complaint to the European Ombudsman in accordance with Article 195(1) of the EU Treaty and as provided by the Parliament Decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties published in Official Journal of the European Communities L 113 of 4 May 1994.

Grant applicants and, if they are legal entities, persons who have powers of representation, decision-making or control over them, should be informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125), or
- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12),

⁶ OJ L 8 of 12.1.2001, p. 1.

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and Regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.