

EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

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NOTE FOR THE ATTENTION OF THE MEMBERS OF THE COMMITTEE FOR THE HOME AFFAIRS FUNDS

Ref.: HOME-Funds/2024/10

Subject: Launch of the call for expression of interest under the "Specific

Action - Reception capacity for Member States under pressure" under the Asylum, Migration and Integration Fund (AMIF) - Reference

AMIF/2024/SA/1.2.4

1. INTRODUCTION

Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (AMIF) (¹) provides that Member States may receive funding for specific actions in addition to their initial allocations in their respective programmes.

Specific actions aim to fund transnational or national projects that bring Union added value in accordance with the objectives of the Fund for which one, several or all Member States may receive an additional allocation to their programmes.

They will be implemented as one of the components of the Thematic Facility in line with Art. 11 AMIF Regulation and the relevant financing decisions for the work programme 2023-2025 for the AMIF Thematic Facility (2).

⁽¹⁾ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund.

⁽²) https://home-affairs.ec.europa.eu/funding/asylum-migration-and-integration-funds/asylum-migration-and-integration-fund-2021-2027_en

By the present note, the Commission launches a call for expression of interest for Specific Action on "Reception capacity for Member States under pressure (3)", in line with the actions listed in the above-mentioned Commission financing decisions.

2. GENERAL PRINCIPLES

Specific actions will be implemented by Member States participating in the AMIF via funding received in addition to the allocation under their AMIF programmes.

Funding for specific actions is added to the Member States' programme allocations by means of a programme amendment. That additional funding is earmarked for the specific action concerned and 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 programme (Art. 18(2) of the Regulation).

Whereas the regular EU co-financing rate under the Member States' programmes will not exceed 75% of total eligible expenditure, projects implemented under specific actions may benefit from an increased co-financing rate of 90% of total eligible expenditure.

The specific action must be implemented by the Member States in accordance with the AMIF Regulation (⁴) and the Common Provisions Regulation (EU) 2021/1060 (CPR) (⁵).

Your attention is drawn, in particular, to one provision of the CPR. As regard the value added tax ("VAT") eligibility regime, Article 64 (1)(c) of the CPR provides that VAT is not eligible, except:

- i.) "for operations the total cost of which is below EUR 5 000 000 (including VAT);
- ii.) for operations the total cost of which is at least EUR 5 000 000 (including VAT) where it is non-recoverable under national VAT legislation".

3. CALL FOR EXPRESSION OF INTEREST

3.1. Budget availability and reserve list

3.1.1. *Indicative budget available*

The indicative amount envisaged for the call AMIF/2024/SA/1.2.4. is EUR 50 million. This amount is subject to an amendment to the AMIF Thematic Facility financing decisions mentioned in section 1 above. The amendment is needed to establish sufficient

^{(3) &#}x27;The concept of 'Member States under pressure' as described in this call does not have any relation with the concept of 'migratory pressure' as defined in proposed EU legislation.

⁽⁴⁾ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund

⁽⁵⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

funding under shared management for the purpose of this call. The indicative budget would be revised downwards if this amendment were not adopted as currently planned.

The requested amount (i.e. the Union contribution to the Member State's AMIF programme under the Specific Action, <u>including technical assistance</u>):

- should not be lower than EUR 5 million per application and
- should not be higher than EUR 15 million per application.

3.1.2. Reserve list

Under the Thematic Facility work programme 2023-2025, additional amounts could be allocated before the end of the work programme to Member States under pressure for proposals on reception capacity. Following the submission of proposals by Member States, the Commission would establish a reserve list in case additional budget is available in the future. The reserve list will be established by the Commission and would be composed of proposals not selected under the present call, but which obtained a minimum pass score as defined in section 4.1.

3.2. Background for the specific action

The extraordinary JHA Council of 25 November 2022 was called in order to examine the situation of increasing migratory pressure along all migratory routes, including the particularly challenging situation in the Mediterranean and in the Western Balkans, and the largest refugee crisis since the Second World War in Europe, which had seen, by that date, around 4.3 million persons fleeing the war in Ukraine and having been granted temporary protection in the EU. The EU endorsed Action Plans on the Western Balkans, Eastern Mediterranean, Central Mediterranean and Western Mediterranean routes, with a view to quickly alleviating the pressure on the Member States most affected. The extraordinary JHA Council, as well as all subsequent JHA Councils in 2023, emphasized the need for joint efforts and solidarity, bearing in mind the need for a whole-of-route approach to finding solutions.

Starting with the European Council of 9 February 2023, President von der Leyen has been addressing letters on migration to Leaders, ahead of respective European Council meetings, emphasising the need to focus on European solutions to the migration challenge faced by the Member States of the European Union.

According to Frontex's preliminary operational data for 2023, irregular border crossings (IBC) at the EU external borders have been approximately 17% higher than in 2022, reaching the highest level recorded since 2016. The highest increase (+87%) was registered on the Western Mediterranean and Atlantic route, followed by the Eastern Mediterranean and Central Mediterranean routes (+55% and +49%, respectively), while the highest increase in absolute terms was to Italy (+50 000 IBCs compared to 2022).

Overall, in 2023, arrivals along the Mediterranean routes increased significantly as compared to 2022 (+53%), with a moderate increase via the Western Mediterranean route to mainland Spain (+12%) and a considerable increase via the Atlantic route to the Canary Islands (+161%). In addition, the pressure on Cyprus' reception system as well as the overcrowding of the reception centres in the Aegean Islands, in Spain and in Italy, in the

last months, could be severely impacted by additional pressure, including resulting from the situation in the Gaza strip.

A call for actions to support reception capacity for Member States under pressure will contribute to the efforts of Member States to address challenges identified at their external maritime borders. Considering the political agreement on the Pact on Migration and Asylum reached in December 2023, such a call would also be an opportunity for Member States under pressure to prepare for the implementation of the Pact, ahead of prospective obligations for adequate capacity (meaning the capacity required at any given moment to carry out the asylum and return procedure), which will apply as of the entry into application of the Asylum Procedure Regulation.

In order to quickly alleviate the pressure on Member States particularly affected and bearing in mind Union acquis, the EU Charter of Fundamental Rights and relevant standards set by the EU Asylum Agency (EUAA), the EU Agency for Fundamental Rights (FRA) or the UNHCR, this call supports frontline countries that received a high number of arrivals by sea and that faced pressure on their reception systems in 2023 and seek to address this pressure in 2024.

The call will invite Member States to launch initiatives to increase reception capacities through structural interventions and/or adjust existing centres to cater for current reception needs, in order to decongest the reception capacity at the external maritime border.

3.2.1 EU legal and policy framework

The Reception Conditions Directive (2013/33/EU) lays down standards for the reception of applicants for international protection throughout the EU. It is intended to ensure equal treatment of applicants in all Member States, and it applies during all stages and types of procedures concerning applications for international protection, in all locations and facilities hosting applicants, including at the border, and for as long as they are allowed to remain on the territory of the Member States as applicants.

According to the Reception Conditions Directive, Member States shall ensure material reception conditions. These conditions include providing the applicant with an adequate standard of living, which guarantees their subsistence and mental health, as well as necessary support to account for the applicants' special reception needs. The Reception Conditions Directive allows for some flexibility when housing capacities normally available are temporarily exhausted. In these exceptional cases, there is a possibility to set modalities for material reception conditions (such as the forms of accommodation) different from those provided in the relevant provisions of the Reception Conditions Directive. However, this should be for the shortest possible time and an assessment of the specific needs of the applicant is required. In any case, the conditions shall cover basic needs of the applicants.

In 2016, the European Commission proposed a Reception Conditions Directive recast as part of the CEAS reform package, which aimed to further harmonize reception conditions in the EU. In 2020, the Commission proposed the Pact, which maintained the Reception Conditions Directive recast proposal from 2016. The negotiations of this proposal were finalised in December 2022 by the co-legislators and the compromise reached awaits adoption together with the rest of the Pact files. The agreement includes changes concerning the management of reception in the Member States (e.g. the possibility to

allocate applicants to a specific geographical area and the possibility to resort to temporary housing solutions of a lower standard where the normally available housing capacities are temporarily exhausted). It clarifies that the EUAA indicators, guidance on reception, etc. will need to be taken into account in the set-up of Member States' reception systems. It introduces an obligation for contingency planning that must set out the measures to be taken to ensure an adequate reception of applicants in cases where the Member State is confronted with a disproportionate number of applicants for international protection, including of unaccompanied children.

The EUAA issued a guidance on reception conditions in 2016 and is currently in the process of developing additional standards and indicators on areas not covered in the first guidance document. The FRA also published a guidance on the fundamental rights 'issues to consider in initial reception facilities at the external EU borders (⁶).

While the legal and policy framework applicable to this call is that which is currently applicable, the call also takes into consideration that a new legal and policy framework has been politically agreed and will enter application in the coming years. Indeed, the political agreement on the Pact will contribute to ensuring that the right tools are in place to manage migration, from the protection of the external borders, to structured, mandatory solidarity between Member States, and more effective rules to give protection to those in need.

3.2.2 Current challenges and gaps

The reception of asylum seekers in the EU has been a complex issue since 2015, with an increased number of applications for international protection and of temporary protection beneficiaries. The challenges faced by reception systems are complex and require political will and cooperation at all levels. The challenges are linked to the lack of adequate capacity, length of asylum procedures, obstacles to integration, lack of alternative accommodation arrangements such as social housing, and overall public support for asylum policies.

Good-quality data on reception is essential, and contingency planning is crucial to be better prepared for different situations of possible pressure. The EUAA assists Member States in improving their reception systems and can help in developing contingency plans. All Member States must participate in finding effective ways to address the challenges associated with the reception of applicants for international protection in the EU.

Member States with external maritime borders continue to be disproportionately impacted by the arrivals of third country nationals and stateless persons, as they need to provide reception conditions to those applying for international protection in accordance with the Reception Conditions Directive, including where applicable directly at or near the borders. As of November 2023, there were 248 119 irregular border crossings at the EU external sea borders.

In the case of housing provided in kind, this can take many different forms, as provided for in the Reception Conditions Directive, and can be categorised in different ways, such as premises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in a transit zone, accommodation centres which guarantee an adequate standard of living, and private

^{(6) &}lt;u>Initial-reception facilities at external borders: fundamental rights issues to consider | European Union Agency for Fundamental Rights (europa.eu)</u>

houses, flats, hotels or other premises adapted for housing applicants. These hosting facilities are often the first stable place in which third country nationals and stateless persons will stay since they began their journey.

Flexible accommodation capacities are necessary to respond to rapidly evolving crisis situations, but also to be able to increase or decrease overall accommodation needs for applicants of international protection as flows change. Access to affordable housing solutions is essential for a smooth transition from reception facilities to independent living. Such flexible accommodation may include alternative accommodation arrangements, such as Semi-Independent Living (SILs), which may also increase sustainability. Some Member States have found that keeping capacity after a decrease in flows, and utilising accommodation centres for other purposes, is financially more beneficial compared to building new capacity from scratch. Modelling of costs is important to ensure that contingency and preparedness plans are effective. All of these elements are to be factored in when designing or finding new innovative ways to ensure adaptable housing and accommodation solutions in continuously changing circumstances.

Offering first line reception to persons arriving by sea might be challenging, especially when the main arrival points are located in remote areas, facing transportation difficulties, and limited availability of accommodation and material assistance. Bottlenecks in providing adequate reception and assistance can occur when faced with pressure. Challenges can also occur in decongesting those areas due to the limited availability of reception / absence of redistribution systems at national level, especially for more vulnerable migrants, such as unaccompanied minors. Where appropriate, such information should be provided in the Application Form, as attached to this note and should be connected with the MS national plan (section 3.2.4 below).

3.2.3. Complementarity and sustainability

The actions to be financed under this call should be complementary to any actions that Member States may finance under the AMIF 2021-2027 National Programmes or other EU funding instruments for the objective of enhancing the capacity of national reception systems in a sustainable manner, such as the ESF+, the ERDF, the Technical Support Instrument (TSI) etc.

In case the Member State has a EUAA operational plan with a reception component the proposal should be designed to ensure complementarity with it.

Applications for financing under the present call should not seek re-funding of previous EU projects that have not been successful nor well assimilated.

The proposals should describe how the sustainability of the measure will be ensured after the finalisation of the project and how the project would complement other sources of funding.

3.2.4. Minimum requirements for the proposals

The call will invite the Member States <u>facing pressure due to a high level of arrivals at their external maritime border</u> arising in 2023 to launch initiatives to make <u>structural improvements</u> by increasing the national capacity, given shortcomings identified in the national reception systems in a context of pressure. Such increase in the reception places must aim at <u>decongesting centres</u> at the external maritime borders.

The proposals should be <u>embedded in a national plan</u> in relation to the reception and accommodation for the people who arrive after crossing the external maritime borders and thus contribute to adequate redistribution systems and capacity building at national level for asylum systems in general. The application should describe the baseline situation, the plan concerned and the expected results. This means that proposals should indicate how the project fits into the (broader) plans of the national authorities for improving the reception system in the mid to long term. For instance, the project could contribute to better implementation of existing policies, for instance by upscaling activities related to the reception system, or prepare for other forms of support, by testing a new initiative, which would then be continued and/or replicated in a sustainable manner afterwards with national budget.

The proposals should take into account existing guidance from the FRA and/ or EUAA and could involve further targeted guidance for the proposed actions from the EUAA, FRA, and, where appropriate, other international organisations, and/or national asylum agencies in other Member States.

The proposals should support measures that are in line with EU law and standards and guidance and, where appropriate, build on good practices in other Member States.

Furthermore, the applicants could involve the EUAA to support the proposal with the design of the initiative, its testing and roll-out.

Moreover, with particular reference to the investments on staffing/ services, the proposals should refer to the measures to be put in place to ensure the <u>sustainability of the foreseen interventions under the project at national level</u>. To this end, proposals will need to outline the cooperation and active participation, and at the very least contain the written agreement of all the national administrations and/or institutions benefitting from it. Applicants are strongly encouraged to involve regional and/or municipal authorities and civil society organisations, including migrants' organisations, in the designing/implementation of their project whenever possible and relevant. Such an involvement can often contribute to the sustainability of the project and increase the acceptance of the host society.

The proposals should also include a description about steps to be taken after the end of the project.

3.2.5. Proposals of higher priority

Proposals aimed at increasing compliance with Union acquis and key guidance, by introducing <u>cost-effective tools or methods</u> for accommodation in the country concerned, will be given priority.

Proposals focusing on ensuring <u>better responsiveness</u> by <u>Member States to the rapidly changing flows at their external maritime borders,</u> to meet the requirements of the Reception Conditions Directive, will also be given priority. For instance, activities that render the accommodation offer of the facility concerned more flexible.

3.3. Scope of the specific action for Member States under pressure

3.3.1. Distinction from programmes and emergency assistance

The scope of the support for Member States under pressure under these specific actions needs to be well defined. A clear delineation must be drawn between funding opportunities under:

- a. Member States' Programmes (National Programmes); and
- b. Emergency assistance (EMAS),

as well as direct awards provided to international organisations and non-profit organisations assimilated with international organisations in accordance with Article 156 of the Financial Regulation for this same purpose.

3.3.2. General principles for specific actions Member States under Pressure

The following general principles should be taken into account for Specific Actions under the concept of Member States under Pressure:

- The request for funding should demonstrate that the proposal is not overlapping with actions financed by <u>national funds and/or funds under Member States' programmes or other sources of funding</u>, or that the proposed actions deliver additional EU added value to the actions funded under the Member State programme.
- The actions deliver particularly high EU-added value considering recent developments and demonstrate EU solidarity with Member States under pressure in line with the specific objectives of the Fund-specific Regulations.
- The actions are <u>foreseeable</u> and of <u>medium or long-term nature</u>. The needs are predictable and can be planned by the Member States authorities.

The applicant should ensure that the proposed action will be implemented in full respect of the <u>Charter of Fundamental Rights of the European Union</u> and in line with the <u>EU acquis</u>.

3.3.3. Requirements relating to Member States under Pressure

For this specific action, proposals should provide a justification that the Member State concerned is facing pressure on its reception system, as well as on its external maritime border, and is bearing a high share of responsibility on behalf of the Union as a whole.

The description of the baseline situation at the time of the application in the proposal should provide data for this purpose.

Data can include for instance the number of new and/or pending asylum applications by sea, data on disembarkations, the occupancy rate in the national reception system, in particular at the external maritime border (including in points of arrivals), and other criteria justifying the relevance of the proposal in the specific national context (see also section 3.4). Data relating to the planning for national capacity building and redistribution systems may also be relevant (see above section 3.2.4 the point about the national plan).

Data may also relate to concerns about shortcomings in the national reception systems or the risks of not complying fully with the Union acquis.

Data should be <u>comparable</u>, <u>and reference</u> should be made to how the data was collected, measured or calculated.

3.4. Objective and activities of the specific action

This call targets Member States under pressure at their EU external maritime borders (due to the number of arrivals by sea or structural problems in their reception systems) and invites these Member States to improve reception capacity. The specific action proposed must include one or more of the following activities:

- **Increasing the number** of reception places.
- **Refurbishing existing** but inadequate reception places, to make them available for reception.
- **Adapting reception centres,** either to cater for the **different reception needs** (⁷) of the persons accommodated, or to better **ensure their safety** (through new places or upgraded places).

Exceptionally, proposals <u>may include services</u> related to vulnerable persons, including persons with disabilities, hosted in the centres concerned. Such services should serve the purpose of <u>alleviating the pressure</u> at the external maritime borders in accordance with this call. This means that the services should relate to the new reception places or the refurbished ones (for instance the services are to be carried in the centres identified in the proposal and will ensure a quicker take in of the persons in those centres etc.). These services can be <u>financed up to 2 years</u> and <u>should not exceed 30%</u> of the EU contribution of the proposal.

The geographical scope of this specific action is limited to Member States having \underline{EU} external maritime borders.

3.5. Expected results following the call

The aim of the specific action is to finance three to five proposals aimed at: (1) increasing the capacity to adequately host applicants for international protection arriving at the external maritime borders, and/or (2) decongesting the centres at the external maritime borders by increasing the capacity elsewhere on the territory of the concerned Member States.

The proposals must provide figures and indications on the proposed increase (targets for the extra number of places (new and/or refurbished), targets for the increase in quantity or quality of services, and where appropriate per target population) and how the additional reception capacity will affect the overall national capacity of accommodation and/or services.

The proposals should also explain, and where possible quantify, how the proposed addition will contribute to structural improvements in the national reception systems (the nature or scope of the impact on the overall reception system, the contingency planning capability, the capacity to respond more flexibly to rapidly changing flows, the balance between first line and second reception, the services for various categories of applicants for international protection such as vulnerable groups, capacity to identify vulnerable persons etc.).

⁷ for instance, making space in the accommodation for separation of men and women, families with children, adequate facilities for people with disabilities, different/conflicting ethnicities, religious beliefs, sexual orientation, etc., for making space for capacity to enable their earlier identification).

4. PROCEDURE FOR APPLICATION

4.1. Admissibility and assessment aspects

Each Member State is entitled to submit one application only.

Member States with EU external maritime borders participating in the AMIF are eligible. DG HOME will assess the proposals submitted by the Member States.

To be considered admissible, a proposal:

- 1. has to be submitted **within the deadline** (see below) to the AMIF specific actions **functional mailbox** <u>HOME-AMIF-SPECIFIC-ACTIONS@ec.europa.eu</u> in the official AMIF/2024/SA/1.2.4 Application Form attached to this note, together with its annexes, and **readable**, **editable** (word or excel documents) and **complete** (all fields necessary for assessment are filled in);
- 2. has to be **submitted by the Managing Authority** on behalf of the entity in the Member State that will be responsible for the implementation of the specific action,
- 3. has to **identify a project beneficiary** (an entity) that will be responsible for the implementation of the specific action in the Member State (ie. the entity leading on the action);
- 4. has to **comply with the budget ceiling**, as indicated under point 3 of the present call

Other entities can be involved in the implementation of the specific action as cobeneficiaries.

DG HOME will assess admissible proposals based on the following criteria:

A. Relevance and content (40 points – minimum 'pass score': 25 points):

- 1. Degree to which the Member State concerned is under pressure and to which the proposal outlines structural improvements to address the pressure in the reception capacity in line with the requirements of the call (section 3.3.3)
- 2. Compliance with the minimum requirements (section 3.2.4) and degree to which a higher priority is achieved (section 3.2.5)
- 3. Linkage between the pressure at the EU external maritime borders and the necessity of the proposed intervention for the Member State's reception system;
- 4. Clarity and consistency of the objectives of the proposal against the scope and expected results identified in this call for expression of interest (sections 3.4 and 3.5)

B. Quality (30 points – minimum 'pass score': 18 points):

- 1. Maturity of the proposal: organisation of work and strategy for project management (operational and financial) and monitoring planned implementation (timetable), considering the envisaged activities;, measures undertaken to mitigate the identified risks, communication, awareness raising and evaluation.
- 2. Complementarity of the project with current and/or past use of national budget or other EU funding instruments: degree to which the proposal will build on actions funded previously or ensures synergies with ongoing projects.
- 3. Cost-effectiveness: reasonability and feasibility of the estimated costs, and the methodology for the calculation of the costs.

4. Compliance with EU acquis, recommendations, guidance and good practices established in the EU and consultation of relevant entities in the design of the proposal (in particular but not exclusive to section 3.2.3.)

C. Impact (30 points – minimum 'pass score': 17 points):

- 1. The impact or effect of the proposal in relation to the objective of the call for expression of interest in terms of:
 - a. scope and size of structural improvements made by the proposal.
 - b. alleviation of the pressure in relation to the reception capacity at the external maritime border.
- 2. Dissemination and communication on the project.
- 3. The expectations for the sustainability of the improvements achieved with the proposal.

Member State(s) should also ensure respect for the horizontal principles described in Article 9 of Regulation (EU) 2021/1060.

4.2. Application procedure

<u>Deadline for the application</u>: Member States are invited to submit their proposals by 29/05/2024 at the latest, using the official AMIF/2024/SA/1.2.4 Application Form attached to this Note, together with its associated annexes.

The proposals should be submitted to the AMIF specific actions functional mailbox <u>HOME-AMIF-SPECIFIC-ACTIONS@ec.europa.eu</u>. Member States may submit additional documentation if necessary.

<u>Deadline for any clarification requests on this Note:</u> Member States can send requests by 17/04/2024 at the latest to <u>HOME-AFFAIRS-FUNDS-COMMITTEE@ec.europa.eu</u>.

The Commission may also contact Member States to request further specific information. A reply should be provided by the Member State within 3 working days.

In order to ensure equal and fair treatment of the proposals and allow the Commission to allocate at the same date all the available funding, DG HOME will assess all proposals simultaneously. Therefore, proposals submitted after the deadline will not be admissible.

The Members of the Committee for the Home Affairs Funds will be informed, at the latest 10 working days before the deadline for the submission of the proposals, in case the deadline for the submission of proposals is extended.

DG HOME will inform Member States of the outcome of the assessment of the proposals towards July 2024.

5. AMENDMENT OF THE AMIF PROGRAMMES AND ELIGIBILITY OF EXPENDITURE

After having been informed of the outcome of the call for expression of interest, each successful Member State shall submit to the Commission a request to amend its AMIF programme via SFC. The amended programme should include a short description of the specific action, adjust the output and result indicators and include the costs and codes

linked to this specific action (respectively in the description and under tables 1, 2 and 3 of the relevant specific objective, and table 6 of the programme).

Silvia MICHELINI Chair of the Committee for the Home Affairs Funds