



EUROPEAN COMMISSION
EuropeAid Co-operation Office

**2004 ANNUAL WORK PROGRAMME FOR GRANTS UNDER ARTICLE 19 02 03
OF THE BUDGET OF THE EUROPEAN UNION**

1. PROGRAMME TITLE

AENEAS: Programme for financial and technical assistance to third countries in the area of migration and asylum

2. BUDGET LINE AND APPROPRIATIONS

19.02.03 (ex-B7-667): financial and technical assistance to third countries in the area of migration and asylum

3. DOES THE PROGRAMME FOLLOW ON FROM ANOTHER PROGRAMME?

Yes, the programme to finance preparatory operations under budget line B7-667.
See multiannual reference document

4. OVERALL OBJECTIVES

The general objective of the new instrument is to provide financial and technical assistance to third countries that is specific and complementary in relation to other programmes and will support of these countries' efforts to better manage all aspects of migration flows.

The purpose of the Aeneas programme is to promote Community cooperation with third countries and, in partnership with them, contribute to objectives corresponding to the main characteristics of migration, as laid down in Article 2(1)(a) of Regulation (EC) No 491/2004 of the European Parliament and of the Council of 10 March 2004 (which can be accessed at http://europa.eu.int/eur-lex/en/archive/2004/l_08020040318en.html):

- a) the development of their legislation in the field of legal immigration;
- b) the development of legal migration;
- c) the development of legislation and national practices as regards international protection and asylum;
- d) the establishment of a policy to stem illegal migration, including trafficking in human beings;
- e) readmission and sustainable reintegration of returnees (whether voluntary or not).

As the 2004 and 2005 work programmes will be implemented over the same period it is particularly important to ensure that the thematic and geographical priorities of the two programmes dovetail. The 2002 annual work programme focuses on thematic priorities (b), (c), (d) and (e), and the 2005 programme on objectives (a), (b), (c) and (d). The geographical complementarity of the priorities common to both programmes, namely (b), (c) and (d) will be organised as described below.

The instrument should provide a crosscutting Community framework that will help strengthen cooperation between EU actors, third countries and the international actors dealing with migration with a view to encouraging a greater understanding of the challenges and joint efforts to find balanced and mutually satisfactory solutions.

5. TYPES OF ACTIVITY

Geographical approach

The legal basis used for the Regulation means that any third country can have recourse to the Aeneas programme, without any geographical restrictions.

The programme is particularly, but not exclusively, intended for third countries actively engaged in preparing or implementing a readmission agreement initialled, signed or concluded with the European Community. In practice this “preference” reflects the Commission's wish to use financial and technical assistance as an incentive in negotiations for readmission agreements with third countries and as support for implementing such agreements.

For regions bordering on the EU the migration issue is already covered by regional cooperation instruments. The aim of any Community intervention under the Aeneas programme must therefore be to supplement or back up action already taken under existing national and regional strategies, to underpin readmission negotiations and to develop specific national initiatives, such as cooperation between countries located on the same migration route; one of the key features of this thematic programme is that, unlike regional instruments, its scope is not confined to just one region.

Although dialogue and cooperation on migration and asylum issues with the countries bordering on the enlarged European Union are already well advanced, which would justify further reinforcement and support, they are much less so with the other regions of the world (ACP, Asia and Latin America). A strategy for a Community response to these other regions is needed, however, because migration and asylum issues in relation to these regions are particularly acute (see points 4 and 5 of the reference document).

The 2004 programme will focus on operations in the Mediterranean but also cover Asia and the Balkans. The two programmes will dovetail, and the 2005 programme will place priority on eastern Europe (including the southern Caucasus and Central Asia), Africa and Turkey; Latin America is also covered and there is provisions for projects for Asia and the Balkans.

Thematic approach

The 2004 annual work programme will cover:

5.1. Development of legal migration

Article 2(1)(b) of Regulation (EC) No 491/2004

- *legal migration, in accordance with an analysis of the demographic, economic and social situations of the countries of origin and the host countries, plus information to make the public more aware of the advantages of legal migration and the consequences of illegal migration;*

In order to achieve these objectives the programme may support the following operations:

- study of legal and illegal migratory flows, relevance of the question of false papers;
- establish, develop or support regional or subregional dialogues on how to manage migration and asylum;
- develop the capacity of the national and regional authorities to evaluate current and projected requirements for foreign labour and implement appropriate strategies and pilot projects;
- develop staff training and pooling of information and experience, setting up networks for information on economic migration;
- dissemination of information and legal advice on how to go about legal migration and the risks of illegal immigration and trafficking;
- develop capacity for documenting persons and collating and processing data.

5.2. Drafting of legislation and development of national practices as regards international protection and asylum

Article 2(1)(c) of Regulation (EC) No 491/2004:

- *the drafting in beneficiary countries of legislation and national practices as regards international protection, with a view to complying with the provisions of the Geneva Convention of 1951 on the status of refugees and of the Protocol of 1967 and other relevant international instruments, to ensuring observance of the principle of "non refoulement" and to improving the capacity of the third countries concerned to cope with asylum seekers and refugees;*

In order to achieve these objectives the programme may support the following operations:

- support for, and improvement of, the institutional and administrative framework for international protection and asylum;

- encourage accession to international conventions and improve access to international protection;
- improve the reception conditions for refugees and asylum seekers, the registration and documentation of asylum seekers and develop administrative expertise.

5.3. Stemming illegal migration

Article 2(1)(d) of Regulation (EC) No 491/2004:

- *establish in the third countries concerned an effective policy to prevent illegal migration, including efforts to stop trafficking in human beings and smuggling of migrants, and draft relevant legislation;*

In order to achieve these objectives the programme may support the following operations:

- promote regional and subregional collaboration and dialogue on the management of migratory flows, including transit and migration, illegal immigration and trafficking in human beings;
- encourage interregional cooperation on border management and controls;
- build capacity in: security of travel documents and visas, including their conditions of issue, identification and documentation of illegal migrants, including own nationals, and detection of false documents and visas;
- support for capacity-building in: drafting, implementing and monitoring the effectiveness of national legislation and management systems dealing with asylum, migration and prevention of criminal activities, including organised crime and corruption, linked with illegal immigration, and development of training for staff dealing with migration and asylum issues;
- evaluate, and possibly improve, the institutional and administrative framework and of the capacity to implement border controls, and improve the management of border controls, including by means of operational cooperation;

5.4. Readmission and reintegration of returnees

Article 2(1)(e) of Regulation (EC) No 491/2004:

- *the readmission, in full respect of the law, and durable reintegration, into the third country concerned of persons who have illegally entered or remained on the territory of Member States or of persons who have unsuccessfully applied for asylum in the European Union or benefited from international protection there;*

In order to achieve these objectives the programme may support the following operations:

- support for the third countries concerned to build capacity for reception and protection in the framework of readmission;
- support for the sustainable reintegration of returnees and resettlement programmes;
- support for the targeted socioeconomic reintegration of returnees in their country of origin, including training and capacity-building aimed at facilitating their integration into the labour market;
- assistance in the negotiation by the third countries concerned of their own readmission agreements with relevant countries;
- support implementation of the readmission agreements concluded with third countries;
- develop the exchange of information concerning, and improve identification of, returnees.

6. EXPECTED RESULTS

The results and general indicators set out below should be considered in the light of the objectives described above and geographical priorities.

6.1. Development of legal migration

- better advice and information available to would-be emigrants, especially about the relevant laws and rules and manpower needs;
- better information about the possibilities of legal migration and the dangers of illegal immigration;
- better management of migration nationally and regionally;
- study of legal and illegal migratory flows, and relevance of the question of false papers;
- the skills of emigrant labour matched to European needs by means of vocational and language training;
- networks created to provide information about economic migration;

6.2. Drafting of legislation and development of national practices as regards international protection and asylum

- the authorities of the beneficiary countries are made aware of the importance of improving the legislative framework for international protection;

- countries are encouraged to accede to the relevant international conventions;
- the reception of refugees and asylum seekers in the region is improved;
- capacity for registering and documenting asylum seekers and refugees is improved.

6.3. Stemming illegal migration

- improved legislative framework for better protection, reception conditions and capacity for resettlement, registration and documentation of asylum seekers and refugees and integration in the host country;
- a protocol setting out responsibilities for immediate, short and medium-term assistance for the victims of shipwrecks or dangerous illegal routes has been drafted;
- the setting-up of a legal aid and support unit for investigators that reconciles humanitarian assistance and pursuit of the perpetrators of the most serious offences at the origin of criminal trafficking in human beings;
- staff are trained to detect false papers;
- greater capacity to pursue traffickers and protect and reintegrate victims.

6.4. Readmission and reintegration of returnees

- improved conditions for readmission of people who have enjoyed international protection;
- better training for administrative staff dealing with readmission;
- more exchanges of information between the administrations concerned and better identification and documentation of returnees.

7. START AND END DATES OF PROGRAMME:

The Aeneas programme covers the years 2004-2008. This Annual Work Programme covers 2004.

8. TOTAL AVAILABLE BUDGET:

The total budget for 2004-2008 is EUR 250 million, of which **EUR 30 million** for 2004.

9. LEGAL BASIS FOR THE FUNDING:

Regulation (EC) No 491/2004 of the European Parliament and of the Council of 10 March 2004 establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS).

10. TYPE OF COMMUNITY FINANCING

Community financing will take the form of cofinancing for projects selected following a call for proposals of interest.

11. LEVEL OF COMMUNITY CONTRIBUTION

Project cofinancing may not exceed 80% of the budget.

As a rule the minimum contribution to the projects selected will be not less than EUR 500 000 and the maximum not more than EUR 2 000 000.

12. ORGANISATIONS(S) ELIGIBLE FOR THE PROGRAMME

Partners eligible for financial support include regional and international organisations and agencies, and other non-governmental organisations or other non-State actors, federal, national, provincial and local governments, their departments and agencies, institutes, associations and public and private operators.

The selection procedures will be designed to exploit the synergies engendered by various actors as far as possible taking into account the quality of the proposals.

13. ELIGIBILITY CRITERIA

Natural or legal persons are not entitled to participate in calls for proposals or be awarded grants if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning professional conduct by a judgement which has the force of res judicata (i.e. against which no appeal is possible);
- (c) they are guilty of grave professional misconduct proven by any means which the contracting administration can justify;
- (d) they have 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 they are established or with those of the country of the contracting administration or those of the country where the operation is to take place;
- (e) they have been the subject of a judgment 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) they have been declared to be in serious breach of contract for failure to comply with their contractual obligations in connection with a procurement procedure or other grant award procedure financed by the Community budget.

Natural and legal persons are also excluded from participation in calls for proposals and the award of grants if, at the time of the call for proposals, they:

- (g) are subject to a conflict of interest;
- (h) are guilty of misrepresentation in supplying the information required by the contracting administration as a condition of participation in the call for proposals or fail to supply this information;
- (i) they have attempted to obtain confidential information or influence the evaluation committee or the contracting administration during the evaluation process of current or previous calls for proposals.

In the cases referred to in points (a), (c), (d), (f), (h) and (i) above, the exclusion applies for a period of two years from the time when the infringement is established. In the cases referred to in points (b) and (e), the exclusion applies for a period of four years from the date of notification of the judgment.

Applicants must supply with their applications a sworn statement that they do not fall into any of the above categories (a) to (f).

All the eligibility criteria can be found in the call for proposals and in the *Practical guide to contracts financed by the general budget of the European Communities in the context of external actions* (SEC (2003) 387/2 of 25 March 2003). The guide can be consulted at: http://europa.eu.int/comm/europeaid/tender/gestion/index_en.htm

14. PROCEDURE TO BE FOLLOWED:

Grants will be awarded on the basis of a call for proposals in accordance with section 6.3.1 of the Practical guide to contracts financed by the general budget of the European Communities in the context of external actions. Projects will be assessed on their technical and financial merits, and after this assessment organisations offering the best guarantees for successful implementation of the project will be chosen.

15. INFORMATION ON TARGETED PROJECTS

There is no provision for financing of targeted projects unless subsequent project evaluation provides grounds to do so.

16. INFORMATION ON THE CALL FOR PROPOSALS

Objectives: projects eligible for financing under this call for proposals are described in point 5 and the results in point 6 of this annual work programme.

If the quality and number of proposals received justify it, the funds will be split among thematic priorities as follows:

Article 2(1)(b) of the Regulation (projects under 5.1, results under 6.1 of this programme):

EUR 7.5 million

Article 2(1)(c) of the Regulation (projects under 5.2, results under 6.2 of this programme):

EUR 8 million

Article 2(1)(d) of the Regulation (projects under 5.3, results under 6.3 of this programme):

EUR 9 million

Article 2(1)(e) of the Regulation (projects under 5.4, results under 6.4 of this programme):

EUR 5.5 million

Total indicative amount: EUR 30 million

Number of projects to be financed: 15 to 60

It is planned to publish the call for proposals in November 2004 and take a decision in early 2005.

The notice, guidelines and application form for international calls for proposals managed by the Commission in Brussels will be published on the Europa web-site:

(http://europa.eu.int/comm/europeaid/tender/index_en.htm - click "Go directly to tender opportunities and calls for proposals").

The Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out in the guidelines of the call for proposals, which include the following:

- (a) the relevance of the proposed action in complementing EU policy and/or policy proposals;
- (b) the relevance of the proposed action to developing and implementing the Community strategy;
- (c) the relevance of the proposal to the objectives and one or more of the priority actions;
- (d) the coherence, appropriateness and practicality of the activities proposed;
- (e) the coherence of the overall project design, including preparedness for evaluation;
- (f) the satisfactory level of involvement and activity of the partners;
- (g) the clearness and feasibility of the plan of action;
- (h) the specific element of added value included in the proposal, such as innovative approaches compared with practice in the Member States and the third countries concerned;
- (i) the tangible impact of the project on its target group;
- (j) the potential multiplier effects contained in the proposal;
- (k) the sustainability of the results of the proposed project (financially, institutionally and at policy level);
- (l) the clarity and detail of the budget;

- (m) the utility and realism of the proposed expenditure on implementation of the project;
- (n) the proportion of financing provided by the applicant;
- (o) satisfaction with the applicant's previous project management experience (if any);
- (p) satisfaction with the applicant's technical expertise and management capacity.

17. COMMUNITY SOURCES OF INFORMATION AND WEBSITE ADDRESS

Information on the calls for proposals will be published in the Official Journal and on the websites referred to in 13. This work programme will be published on the following website:

http://europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm

18. COMMUNITY CONTACT POINTS (COMPLETE NAME AND ADDRESS OF THE PROGRAMME MANAGER AND THE E-MAIL ADDRESS):

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19. INDICATIVE BREAKDOWN OF RESOURCES BY REGION, AREA AND OBJECTIVE

If the quality and number of proposals received justify it, the funds will be split among geographical priorities as specified in Annex 1.

ANNEXES

Annex 1: Indicative breakdown of resources by region, area and objective

Annex 2: Reference document concerning financial and technical assistance to third countries in the area of migration and asylum