EUROPEAN
COURT
OF AUDITORS

Special Report No 9/2016

(pursuant to Article 287(4), second subparagraph, TFEU)

EU external migration spending in Southern Mediterranean and Eastern Neighbourhood countries until 2014

together with the replies of the Commission

12, rue Alcide De Gasperi - L - 1615 Luxembourg
T (+352) 4398 – 1 **E** eca-info@eca.europa.eu **eca.europa.eu**

CONTENTS

	Paragraph
Abbreviations and acronyms	
Glossary	
Executive summary	I - V
Introduction	1 - 20
EU external migration policy	2 - 20
The policy framework	2 - 5
A global approach to external migration	6 - 8
Priority given to neighbourhood countries	9
Varied institutional and financial instruments	10 - 11
Different sources of the EU's external migration spending	12 - 16
Financing and management arrangements	17 - 20
Audit scope and approach	21 - 26
Coherence of objectives, identification of partner country needs and monitoring instruments need improving	27 - 65
A wide range of policy objectives not always interlinked	27 - 31
Identification of partner countries' needs requires better attention	32 - 37
Monitoring and assessment instruments need improving	38 - 51
Geographic and thematic priorities were difficult to verify	52 - 60
Intervention spread over a wide geographical area	61 - 65
Weaknesses affected the effectiveness of the EU's external migration spending (TPMA and ENPI) in the Southern Mediterranean and the Eastern Partnership countries	66 - 89
Shortcomings in operational objectives and result indicators made projects' effectiveness difficult to assess	67 - 69
Factors hindering effectiveness	70 - 73
An example of good practice	Box 8

Effectiveness issues in three key areas 74

The link between migration and development 75 - 81

Support measures for returns and readmissions: limited impact and unequal support from non-EU countries 82 - 86

Human rights protection: included in projects audited but not always successfully implemented 87 - 89

A difficult coordination between several partners at different levels 90 - 103

Governance was complex 91 - 100

Mobility partnerships: the need to clarify coordination 101 - 102

Outlook for the future 103

Conclusions and recommendations

Annex I - Mobility partnerships signed between the EU, EU Member States and non-EU countries

Annex II - Amounts committed, contracted and paid in the external dimension of migration policy during the 2007-2013 period (million euro)

Annex III - Spending on external migration policy: multiple EU spending instruments, each with its own objectives and strategies

Annex IV - Summary of projects audited

Annex V - Implementing mechanisms for EU financial assistance (M&A external dimension)

Replies of the Commission

ABBREVIATIONS AND ACRONYMS

DCI	Development Cooperation Instrument
DG	Directorate-General
DG ECHO	Directorate-General for Humanitarian Aid and Civil Protection
EDF	European Development Fund
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ENPI	European Neighbourhood (and Partnership) Instrument
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GAMM	Global Approach to Migration and Mobility
IFS	Instrument for Stability
IOM	International Organisation for Migration
IPA	Instrument for Pre-accession Assistance
ISF	Internal Security Fund
JMDI	Joint Migration and Development Initiative
TPMA	Thematic Programme for Migration and Asylum
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

GLOSSARY[1]

Asylum-seeker	Migrants are granted asylum-seeker status when they have applied for either refugee status or subsidiary protection status and their application is still being processed.
Border management	Facilitation of authorised flows of business people, tourists, migrants and refugees and the detection and prevention of irregular entry of aliens into a given country. Measures to manage borders include the imposition by states of visa requirements, carrier sanctions against transportation companies bringing irregular aliens on to the territory, and interdiction at sea.
Capacity-building	Increasing the autonomous capacity of governments and civil society by strengthening their knowledge, skills and attitudes. Capacity-building can take the form of a project implemented with a partner government, or bilateral or multilateral dialogue.
Irregular migration	There is no clear or universally accepted definition of irregular migration, which concerns the movement of persons outside the regulatory structure of the sending, transit and receiving countries. From the perspective of destination countries it means irregular entry, stay or work in a country. From the perspective of the sending country, the irregularity arises in cases where, for example, a person crosses an international boundary without a valid passport or travel document. Irregular migrants comprise those who enter the sovereign territory of a state without a valid entry document and those who, having entered with a valid document, fail to renew their authorisation and remain (overstay) in the receiving country.
Migration	The movement of a person or a group of persons, either across an international border, or within a state. The length, composition and causes of migration can be varied; it includes the movement of refugees, displaced persons, economic migrants and others, such as persons moving to rejoin their families.
Mobility[2]	A broader concept than migration, as it applies to a wide range of people, e.g. short-term visitors, tourists, students, researchers, business people and visiting family members.

[1] All definitions adapted from the IOM's *Glossary on Migration*, unless specifically stated otherwise.

[2] COM(2011) 743 final of 18 November 2011 'The Global Approach to Migration and Mobility'.

Project results	In order to measure the results of a project, the following aspects need to be defined: (a) clear operational objectives (e.g. access to electricity for all households in a given village); (b) input and output indicators for evaluating the quantity, quality and provision time of the services, goods or work provided by the project (e.g. the purchase and installation of 200 electricity poles and 4 000 metres of line); (c) baseline and target values (e.g. where there are already 500 poles and 10 000 metres of line, the aim is to achieve 700 poles and 14 000 metres of line); (d) result indicators measuring the effects of project implementation and describing the achievement of an objective (e.g. all 200 households now have access to electricity). Here too, baseline and target values may be specified (e.g. an increase from 150 to 200 households served).
Readmission agreement	An agreement which addresses procedures for a state to return foreigners or stateless persons in an irregular situation to their home country or a third country through which they passed en route to the country seeking to return them.
Refugee	Refugees are individuals who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to that fear, unwilling to avail themselves of the protection of that country.
Reintegration	Reinclusion or reincorporation of a person into a group, e.g. the process of a migrant rejoining society in his/her country of origin.
Return	Refers broadly to the act or process of going back, either within the territorial boundaries of a country or, once all legal avenues to stay in an EU Member State have been exhausted, from a host country to the country of origin or transit, as in the case of refugees, asylum-seekers and qualified nationals.

EXECUTIVE SUMMARY

I. The external dimension of the EU's common migration policy aims to promote effective management of migration flows in partnership with countries of origin and transit. This report deals with the two main financing instruments in 6 out of the 11 Southern Mediterranean and Eastern Partnership countries, the Thematic Programme for Migration and Asylum (TPMA), and the European Neighbourhood and Partnership Instrument (ENPI), both established for the 2007-2013 period. The audit does not cover the developments in migration after 2014 nor the EU's reaction to the current refugee crisis.

II. The EU's external migration spending was governed by a wide range of general objectives. The total amount of expenditure charged to the EU budget could not be established in the course of the audit, nor was it clear whether expenditure had been directed in line with the intended geographical and thematic priorities.

III. Based on an examination of selected projects, we conclude that the effectiveness of the EU's external migration spending (TPMA and ENPI) in the Southern Mediterranean and Eastern Partnership countries can be improved. It was often difficult to measure the results achieved by EU spending because of objectives covering a very broad thematic and geographical area and the lack of quantitative and results oriented indicators. The contribution of migration to development, which is one of the priorities of the Global Approach to Migration and Mobility, was difficult to assess. Finally, to judge from the projects examined, the contribution made by migrants returning to their home country was limited.

IV. The EU's external migration spending was implemented by a wide range of stakeholders. It necessitated coordination between the Commission's various departments, in particular its Directorates-General, the European External Action Service, EU delegations in non-EU countries and a number of EU agencies, in partnership with Member States, neighbourhood countries and third countries. This complex governance required a stronger coordination, at all levels, and a better involvement of EU delegations in migration issues.

V. We conclude our report by recommending that the Commission develop clear and measurable objectives to be implemented by a coherent set of EU funding instruments

supported by effective monitoring and evaluation, and by an appropriate information system. Governance arrangements must be simpler and better coordinated.

INTRODUCTION

1. EU's external migration policy covers a wide range of issues such as mobility and legal migration, irregular migration, migration and development or international protection. This audit is based on work done up to end 2014, examining EU's external migration spending in Southern Mediterranean and Eastern Neighbourhood Partnership countries (see also paragraph 21 to 26). It was not an audit of assistance within the EU, nor of assistance to the EU Members States. It also did not cover directly measures set up explicitly to deal with claims for asylum or data on irregular migration. The audit examined the two main EU financing instruments and their expenditures in six countries[3] in the Eastern and Southern Neighbourhood, during the 2007-2013 period. The external migration spending audited by the Court was not related to spending on the Syrian refugee crisis. So the report does not cover events and EU actions, nor data, of 2015. We publish the results of this audit now, since we consider that the findings and recommendations of this audit have relevance as the EU seeks to devise appropriate policy and budgetary responses to the external migration policy.

EU external migration policy

The policy framework

2. Article 67 of the Treaty requires the EU to frame a common policy on asylum, immigration and external border control based on solidarity among Member States. The European Council defined the corresponding strategic guidelines (Article 68); these were set out in the Stockholm programme (2009-2014)[4], which provided a roadmap for the EU in the area of justice, freedom and security. New strategic guidelines for the 2014-2019 period were adopted by the Council in June 2014.

3. The main aim of the common immigration policy (Article 79 of the Treaty) is to ensure the efficient management of migration flows, fair treatment of non-EU nationals residing

[3] Algeria, Georgia, Libya, Moldova, Morocco and Ukraine.

[4] OJ C 115, 4.5.2010, p. 1.

legally in Member States, and the prevention of, and enhanced measures to combat, irregular immigration and trafficking in human beings.

4. The EU also accords particular importance to managing migration flows in cooperation with migrants' countries of transit or origin, and to strengthening the link between migration and development.

5. The EU's common migration policy therefore has both an internal and an external dimension. This report deals with the external dimension, which is described in the next section.

A global approach to external migration

6. In 2005, the Council adopted the Global Approach to Migration in Africa and the Mediterranean. In 2011, this evolved into the Global Approach to Migration and Mobility (GAMM)[5]. The GAMM, which was adopted by the Council[6] but is not legally binding, represents the EU's overarching policy framework for political dialogue and cooperation on external migration policy.

7. The GAMM identifies four general thematic priorities which it describes as "equally important":

(a) better organising legal migration and fostering well-managed mobility;

(b) preventing and combating irregular migration and eradicating trafficking in human beings;

(c) maximising the development impact of migration and mobility;

(d) promoting international protection and enhancing the external dimension of asylum.

---

[5] COM(2011) 743 final; Council Document No 9417/12 of 3.5.2012 'Council Conclusions on the Global Approach to Migration and Mobility'.

[6] Adopted by Council Conclusions in May 2012 (Council Document No 9417/12) and reiterated in April 2014 (Council Document No 8443/14).

8. Respect for human rights is a cross-cutting priority within this policy framework.

Priority given to neighbourhood countries

9. Although the GAMM (2011 Communication from the Commission) was global in scope, the European Neighbourhood (see ***Figure 1***) was its first priority[7]: notably the southern Mediterranean (Algeria, Egypt, Libya, Morocco and Tunisia) and the countries of the Eastern Partnership (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). The aim in the Neighbourhood region was to "move towards strong, close partnerships that build on mutual trust and shared interests, paving the way for further regional integration"[8]. The European Neighbourhood countries are important countries of origin and transit to the EU as well as being countries of destination in their own right.

---

[7] The 2005 Global Approach to Migration (GAM) prioritised Africa (including North Africa) as the main geographic focus. The GAM was expanded to include eastern and south-eastern countries in 2007 (COM(2007) 247 final of 16 May 2007 'Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union',). The priority of the European Neighbourhood was reiterated in the GAMM (COM(2011)743 final) and its first implementation report (COM(2014) 96 final of 21 February 2014 'Report on the implementation of the Global Approach to Migration and Mobility 2012-2013'). These priorities have been reiterated in numerous Council Conclusions.

[8] COM(2011) 743 final, p. 8.

<u>Figure 1</u> – The European Neighbourhood

Key: Blue = European Union; Green = countries covered by the European Neighbourhood Policy.

Source: Eurostat.

Varied institutional and financial instruments

10. The GAMM was implemented though a wide range of instruments: see ***<u>Box 1</u>*** for more detail.

Box 1 – Instruments used to implement the GAMM

- Political instruments, such as regional policy dialogue and Mobility Partnerships.
- Legal instruments, such as visa facilitation and readmission agreements with non-EU countries (17 such agreements in 2015).
- Operational support by EU agencies, such as Frontex.
- A range of EU financial contributions to non-EU national administrations and other stakeholders (such as international organisations). These include programmes or projects financed from different budget sources and a specific thematic programme focused on capacity-building and cooperation in the area of migration and asylum, covering most non-EU countries including those in the European Neighbourhood.

11. The EU has engaged in several regional[9] and bilateral dialogues on implementing the GAMM. The seven main regional dialogues at the time of the audit covered key regions to the south and east of the EU and consisted of regular official meetings and strengthening of cooperation instruments. The principal bilateral framework for asylum and migration policy dialogue with neighbourhood countries are Mobility Partnerships (MPs). These aim to address relevant migration and mobility issues of mutual concern, including, where appropriate, short and long term mobility. Member States' participation is voluntary and legally non-binding. MPs set priorities and agree on specific initiatives, and Member States may voluntarily participate by providing financing or expertise. ***Annex I*** provides an overview of the eight MPs signed since 2008, including Member States' participation.

Different sources of the EU's external migration spending

12. This section describes the two main EU spending instruments supporting external migration policy, and other programmes that have contributed to external migration policy.

[9] The main regional dialogue processes were the Budapest Process, the Prague Process, the Eastern Partnership Panel on Migration and Asylum, the Africa-EU Migration, Mobility and Employment (MME) Partnership, the Rabat Process, the ACP-EU Dialogue on Migration and Development and the EU-CELAC Structured and Comprehensive Dialogue on Migration.

13. The **Thematic Programme for Migration and Asylum** (TPMA) was the only programme specifically dedicated to addressing challenges in the area of external migration and asylum in the 2007-2013 period. It had its legal basis in Article 16 of the DCI Regulation[10]. Its general objective was to support non-EU countries in ensuring "a better management of migratory flows in all their dimensions". To this end, the TPMA sought to focus intervention on eastern and southern migration routes, and to enhance capacity-building and encourage cooperation initiatives in the areas of migration and asylum. It was "not established to directly address the root causes of migration"[11, 12].

14. The programme was implemented under the responsibility of the Directorate-General for International Cooperation and Development. About two thirds of the funded measures were selected through calls for proposals, and the remainder through targeted initiatives by the Commission.

15. The ***European Neighbourhood and Partnership Instrument*** (ENPI)[13] became operational in 2007 as a vehicle for the European Neighbourhood Policy[14]. The ENPI Regulation did not set objectives, which were instead laid down in agreements between the Commission and non-EU countries. The ENPI financed actions designed, among other things, to support reform and strengthen capacity in the field of justice and home affairs, including

---

[10] Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41).

[11] Thematic Programme "Cooperation with Third Countries in the areas of Migration and Asylum" 2011-2013 Multi-Annual Strategy Paper: http://ec.europa.eu/europeaid/thematic-programme-cooperation-third-countries-areas-migration-and-asylum-2011-2013-multi-annual_en

[12] For the 2014-2020 period, the TPMA has been replaced by the migration component of the Global Public Goods and Challenges Programme.

[13] Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (OJ L 310, 9.11.2006, p. 1).

[14] For the 2014-2020 period, the ENPI has been replaced by the European Neighbourhood Instrument (ENI), which was not part of the scope of this audit.

migration and asylum (e.g. integrated border management, readmission, and the fight against, and prevention of, human trafficking), organised crime and terrorism.

16. Several other programmes may also contribute to the external migration policy, such as the Development Cooperation Instrument, the European Instrument for Democracy and Human Rights, or the Instrument for Stability. The Instrument for Pre-accession Assistance and the European Development Fund may also be used but not for Neighbourhood countries.

Financing and management arrangements

17. Over the 2007-2013 period, we estimated the EU's total external migration amount contracted to be approximately 1.4 billion euro (see ***Annex II***). However, financial data were available only for the TPMA, payments for which totalled 304.3 million euro over the same period (see paragraphs 52 to 56).

18. In addition to the Commission's funding, measures have been co-financed by Member States over the 2007-2013 period.

19. Responsibility for programming EU spending under the external migration policy is shared among the European External Action Service (EEAS) and a number of Commission Directorates-General. The responsibility for managing EU funds under the external migration policy is a responsibility of the Commission.

20. Reflecting the wide range of EU spending instruments mentioned above, several Commission Directorates-General may intervene in this area: DG for International Cooperation and Development is responsible for the Development Cooperation Instrument (DCI), the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR) and the ENPI, but this responsibility was taken over in 2015 by DG for Neighbourhood and Enlargement Negotiations, which is also responsible for the IPA. DG ECHO (Humanitarian Aid and Civil Protection) manages humanitarian aid, including for refugees. Only in the case of the thematic programmes funded under the DCI (such as the TPMA) is DG for International Cooperation and Development solely responsible for programming and implementation. Projects implemented under direct management were

either managed directly by the Commission in Brussels or by EU delegations. Member States may participate and provide co-financing under certain instruments (see details in ***Annex III***).

AUDIT SCOPE AND APPROACH

21. We examined whether EU spending from the TPMA and the ENPI, both established for the 2007-2013 period, in the area of migration had clear objectives and whether it had been effective and well coordinated in 6 of the 11 countries of the Southern Mediterranean and Eastern partnership. The audit does not cover the developments in migration after 2014 nor the EU's reaction to the current refugee crisis. In particular, our audit checked whether migration spending:

(a) pursued a clear and coherent set of objectives – accompanied by an effective monitoring system – which responded to well-identified needs and priorities in the Neighbourhood countries;

(b) was achieving its objectives in the Neighbourhood countries;

(c) had been well coordinated among EU bodies and with Member States.

22. The audit of the clarity of spending objectives and monitoring systems focused on the various spending instruments used to support the EU's external migration policy (see ***Annex III)***[15]. The audit of effectiveness and coordination focused on projects financed by the Thematic Programme for Migration and Asylum (TPMA) as well as the European Neighbourhood and Partnership Instrument (ENPI).

23. The audit covered countries in the Eastern and Southern Neighbourhood, specifically Algeria, Georgia, Libya, Moldova, Morocco and Ukraine.

24. The audit was based on:

---

[15] Neither the EDF nor the IPA are used in the Southern Mediterranean and Eastern Partnership countries.

(a) interviews and the collection of information from the Commission and three countries (Algeria, Georgia and Morocco) covering 12 projects, with visits to EU delegations, the responsible national and local authorities and, where possible, final beneficiaries. Interviews were also conducted with other stakeholders, such as Member State representatives (both in Brussels and on the spot), international organisations, civil society and think-tanks;

(b) a desk review of 11 projects implemented in Libya, Moldova and Ukraine;

(c) documentary reviews of policy, programming and project documents, a questionnaire sent to 11 Member State administrations and a review of the related literature and relevant evaluations.

25. The 23 projects, one of which happened to be an extension of another project sampled, represent a total contract value of 89 million euro (see ***Annex IV***) on a total contracted amount of 742 million euro. Those projects were selected on the basis of (i) the amount of expenditure; (ii) balanced coverage of the various thematic priorities of the GAMM; (iii) location; (iv) project status (closed or ongoing); (v) whether the assistance supported mobility partnerships (see ***Annex I***).

26. We carried out our audit against the backdrop of the new spending regulations adopted for the 2014–2020 period. In a partial internal reorganisation since the new Commission took office, the European Neighbourhood Policy (which includes migration issues) was moved from the Directorate-General for Development and Cooperation to the Directorate-General for Neighbourhood. Where relevant, the audit took these changes into account.

COHERENCE OF OBJECTIVES, IDENTIFICATION OF PARTNER COUNTRY NEEDS AND MONITORING INSTRUMENTS NEED IMPROVING

A wide range of policy objectives not always interlinked

27. We examined whether the two spending instruments (TPMA and ENPI) supporting implementation of the EU's external migration policy were implemented through clearly-defined and coherent objectives. We also examined whether operational objectives

reflected the well-identified needs of non-EU countries and were accompanied by a set of indicators to measure results. Finally, we verified whether the available financial resources were allocated to well-defined priorities so as to maximise the impact of intervention.

28. The general objective of the Thematic Programme for Migration and Asylum (TPMA) was to help non-EU countries ensure "better management of migratory flows in all their dimensions". It was divided into five intervention priorities[16] that were presented in Commission documents as programme objectives. Specific objectives were set out in thematic strategy papers.

29. The European Neighbourhood and Partnership Instrument (2007-2013), which partly included migration, did not in itself define policy objectives. The applicable Regulation referred to the setting of priority objectives in strategy papers – to be adopted by the Commission – for a country or region. Where the EU had agreed no specific objectives with the country concerned, EU policy objectives were to be pursued (but it is not specified which).

30. The framework of EU external migration spending also called upon five other instruments which each have their own objectives and intervention frameworks and thus do not focus on or include migration provisions. It was not clear from the legislation how the different objectives were interlinked or what they were intended to achieve at EU level with respect to external migration (see ***Annex III***).

31. Even though these EU spending instruments may address situations where migration is an issue, and contribute to migration spending, legally and financially they provided no clear strategy or monitoring arrangements by which to identify the scale of that contribution.

---

[16] Regulation (EC) No 1905/2006, Article 16(2): (i) fostering the links between migration and development; (ii) promoting well-managed labour migration; (iii) fighting irregular immigration and facilitating the readmission of irregular immigrants; (iv) promoting asylum and international protection, including through regional protection programmes, in particular in strengthening institutional capacities and protecting stateless persons; and (v) protecting migrants against exploitation and exclusion, and fighting trafficking in human beings.

Identification of partner countries' needs requires better attention

32. We found that the needs analysis was properly documented in ten projects, while in nine others, the needs assessments were only partially documented for various reasons (for instance in one third of those projects this was mainly because of difficult local context and political instability). In four projects, we could not find documentary evidence.

33. Mobility partnerships (MPs)[17] signed by the Commission, Member States and partner countries provide a political framework for a policy dialogue on migration which also contributes to the identification of needs (see also paragraph 36). MPs, which have been signed with eight countries[18] (see ***Annex I***), may also involve Member States: 24 have signed up to one or more of the eight partnerships. Even though MPs are not legally binding, a process of dialogue makes it easier to identify needs and take them more comprehensively into account. Moldova – which has one of the oldest MPs – has, for example, sought to re-focus the implementation of its MP to ensure a better balance between all four thematic priorities of the GAMM. The Commission regularly reminds Member States to implement the MPs in a balanced manner, including by giving more emphasis to actions with regard to legal migration, human rights and refugee protection.

34. The role of the EU delegations in partner countries is crucial in identifying and defining needs. We found that there were no specialized migration officials in EU delegations. Migration was managed by staff handling EU spending, whose knowledge of and expertise in migration varied. The Directorate-General for Migration and Home Affairs has seconded a number of specialists to delegations to cover the range of home affairs policies, but none were in post in any of the Neighbourhood countries or in any Mobility Partnership partner country at the time of the audit.

---

[17] These establish a set of political objectives and provide for a series of initiatives which are designed to ensure that people movements are managed as effectively as possible.

[18] Armenia, Azerbaijan, Cape Verde, Georgia, Jordan, Moldova, Morocco and Tunisia.

35. Greater understanding of migration issues can translate into a better response to non-EU countries' needs. DG for International Cooperation and Development has developed a number of training tools and workshops on a range of relevant topics.

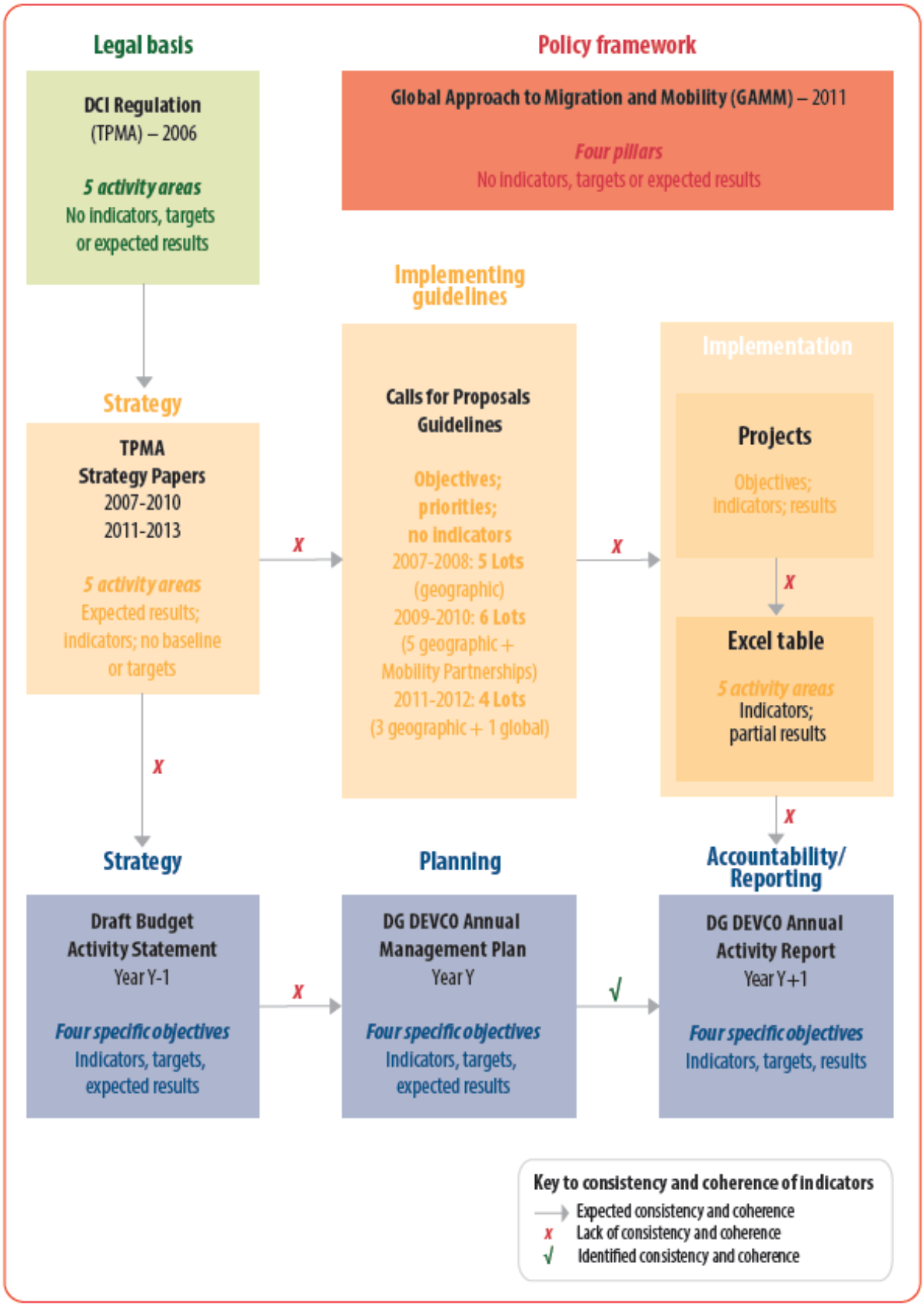
36. The identification of needs in a partner country also depends on the country's prioritisation of and commitment to migration management. For many Neighbourhood countries, however, particularly in the south, it has not been a priority. Reluctance to engage constructively with the EU in this domain hinders the identification of needs, especially given the partner countries' perception that some actions were primarily intended for the EU's benefit. An example of this was the lack of success in signing up North African countries to the Seahorse Mediterranean border surveillance network.

37. Similarly, the project of an Interactive Map on Irregular Migration Routes and Flows in Africa, the Middle East and the Mediterranean Region (I-Map) (0.7 million euro), aiming to support migration dialogue processes and facilitate the exchange of information has been criticised by some partner countries for being of more benefit to the EU and its Member States than to non-EU countries. According to the data available in July 2014, only 6 % of a total of 668 system users were Neighbourhood countries, while the principal users were EU Member States (50 %), followed by the Commission and the EU agencies (30 %).

Monitoring and assessment instruments need improving

38. Relevant, coherent and timely indicators are an essential tool for guiding and assessing a policy and the related instruments. The Court found little evidence of precise and systematic indicators geared to each intervention level, and a lack of consistency between the indicators at the various policy levels: the strategic framework, budget and Commission activity reports, i.e. the operational framework for each financial intervention (see ***Figure 2***).

<u>Figure 2</u> – Links between objectives and indicators of policy and implementing documents for the TPMA



39. ***At the strategic level***, the arrangements for monitoring the Global Approach to Migration and Mobility were very broadly defined. The plan was to guide implementation of the programme by means of a comparative evaluation method identifying changes over time. This very vague definition was neither explained nor assigned indicators, reference values or targets for evaluating the achievement of objectives, which were themselves very general. The public consultation carried out in 2011, in which 86 % of respondents favoured the introduction of management indicators, led the Commission to conclude, in agreement with most of the Member States, that the policy's targets and indicators should be "flexible and more qualitative than quantitative".

40. The general objective of the TPMA was divided into five intervention priorities (see paragraph 28). Specific objectives, expected results and performance indicators were to be set out in a thematic strategy paper.

41. Two strategy papers followed for two periods, of four years (2007-2010) and three years (2011-2013) respectively. For the 2011-2013 period, 26 expected results and 37 indicators were defined. However, no reference values or quantified targets were set.

42. The weaknesses of the monitoring and accountability process can be illustrated by ***the programme's first area of activity*** (presented as an objective in the strategy paper), the general aim of which was ***to strengthen links between migration and development***. This objective was supposed to be monitored, for the 2011-2013 period, by means of nine indicators (see ***Box 2***).

Box 2 – Indicators related to the objective to strengthening links between migration and development

- Number of projects involving the diaspora communities in the EU aimed at the development of countries of origin.
- Number of productive or development activities in which migrants or returning migrants or emigrant communities were involved.
- Transparency, reliability and cost of remittance transfer services.
- Scale of financial literacy of migrants' households.

- Number of third country experts on the management of migratory flows.
- Number of legislative documents designed or adopted on migration issues in third countries.
- Dialogue and cooperation frameworks on the topic of migration between third countries and between third countries and the European Union.
- Number of awareness-raising activities or campaigns.
- Number of third country experts on migration data collection and analysis.

43. However, these indicators did not make it possible to monitor and evaluate how this programme objective was implemented. Most were complex, sometimes involving several parameters (for instance the transparency, reliability and cost of services responsible for financial transfers), and at most covered outputs rather than results. Data sources, definition and compilation methods were not specified. Certain concepts, such as experts (in analysing data or managing migration flows) and the financial literacy of migrant households, could be difficult to interpret.

44. The same confusion affected the programme indicators listed in ***budgets, DG for International Cooperation and Development management plans and annual activity reports***. For the purposes of monitoring programme implementation, these documents should also have included indicators for assessing the performance of EU intervention in terms of the use of resources and the results obtained. The documents were based around four objectives[19], with indicators, targets and results that varied each year.

45. There was also little consistency between these indicators and those in the TPMA strategic framework. Thus, the nine indicators for the first objective of the strategic framework (strengthening the link between migration and development) were reduced to two in the 2011 budget, only one in the 2012 budget, and two in the 2013 budget. None of

[19] The specific objectives covered migration and development, legal and labour migration, curbing irregular migration, and promoting asylum and international protection. The protection of migrants' rights and measures to address trafficking were not covered by a specific objective. The AMP and AAR included a fifth specific objective in 2011 (but not thereafter), which related to mainstreaming migration into the political dialogue with non-EU countries.

these indicators was present in all three years. The indicators selected for the Commission's activity reports (three in 2011, four in 2012 and three in 2013) were not always used by the budget and only partially corresponded to it.

46. Examples in ***Box 3*** illustrate the inconsistency and liability to change over time of the indicators for the first programme objective.

Box 3 – Strengthening links between migration and development: inconsistent and unstable indicators

- In DG for International Cooperation and Development's 2011 annual activity report, the indicator of the number of local businesses supported by EU-funded programmes under specific objective 1 (strengthening the link between migration and development) did not correspond to the indicators in the strategic framework of the Thematic Programme for Migration and Asylum. It was not used in the 2012 and 2013 annual activity reports.

- In the 2012 budget, the sole indicator for this objective was the number of local businesses in receipt of aid. In the annual activity report for the same year, there were four indicators for this objective: the cost to migrant workers of transferring funds to their countries of origin, the extent of participation by diaspora organisations in the development of migration projects, the number of non-EU countries provided with support for designing and implementing a migration strategy and/or including migration issues in development strategies, and the geographical coverage of migration profiles.

47. The indicators selected for the other programme objectives were scarcely any more consistent. The aim of promoting legal, work-related migration was covered by a consistent indicator in the budgets and annual activity reports for 2010 to 2013, i.e. "the number of agreements on skills transfer and circular migration schemes". However, in the strategic framework of the TPMA, the indicator was defined as "the return rate of migrants involved in circular schemes".

48. Lastly, as stated above, there were no targets in the TPMA's strategy papers. They were set in budgets (chapter 19 02 in 2013), but here they were often very specific to certain countries or a given region or were not updated. The quantitative information for these targets was therefore poor or lacking, and the indicators were rendered irrelevant where

their function should be to quantify a phenomenon and monitor its progress over time. For example, the same results were provided in 2009 and 2010 for the indicator on the number of irregular immigrants identified and readmitted by non-EU countries, for which an identical target value was selected in the budgets for 2012 and 2013. The Commission has defined a new set of indicators for the 2014-2020 period. While there are some improvements, persistent weaknesses include, for example, the absence of baseline and target values.

49. Regarding the projects themselves, we found the same shortcomings and inconsistencies in the indicators defined in the strategy and budget documents. DG for International Cooperation and Development endeavours to monitor the results obtained with the aid of indicators developed for the Excel table (see paragraph 54). However, there were inconsistencies between the indicators defined at project level and those in the Excel table, the annual activity report or the TPMA strategic framework. Moreover, the results presented were often incomplete. For the 18 audited projects (of 23 in the sample) that were included in the Excel table, results were fully included in three cases, partially included in eight, and not shown at all in the remaining seven. These factors compromised the Excel table's reliability and its effectiveness for measuring the results and progress achieved.

50. We noted that the data given in the annual activity report on the results of the TPMA were compiled by the Commission staff responsible for the project on the basis of ad hoc requirements, not as part of a continuous and systematic information-gathering process. The fact is that the existing arrangements did not provide a systematic account of the action taken based on a series of stable and consistent indicators (in the case of the TPMA). Nor was there a matrix for correlating objectives and indicators at all levels between the projects and the annual activity report. Lastly, most of the funds spent on external migration policy came from EU spending instruments other than the TPMA. However, in the case of migration, the annual activity report (from DG for International Cooperation and Development) covered only the implementation of the budget chapter devoted to the TPMA and provided no information about the chapters covering the other spending instruments. No other documents gave consolidated results for all spending instruments.

51. Implementation of the EU's external migration policy was also covered, to varying degrees, by many other reports[20]. These reports provided information about the progress achieved in various policy areas and they did not specifically focus on the overview of the results being achieved by the EU's spending in this area.

Geographic and thematic priorities were difficult to verify

52. The Global Approach to Migration and Mobility names the European Neighbourhood countries as a geographic priority. The Development Cooperation Instrument, earmarked 465 million euro (out of a total of approximately 5.6 billion euro for the 2007-2013 period) for thematic programmes (including the TPMA) in the European Neighbourhood[21].

53. It was difficult, in the course of the audit, to assess whether spending has been in line with these priorities since it was not possible to determine the total amount of EU spending charged to the EU budget for funding external migration measures in Neighbourhood countries. ***Annex II*** summarises the amounts contracted for migration spending over the 2007-2013 period, i.e. a total of approximately 1.4 billion euro. These data, which are provided by DG for International Cooperation and Development and DG for Neighbourhood and Enlargement Negotiations, did not provide details of actual payments.

54. We analysed this information on the basis of an Excel table [22] DG for International Cooperation and Development kept that consolidated all expenditure in this area. The Excel table covered all expenditure incurred since 2001. For the 2007-2013 period, the amounts

---

[20] For example, the GAMM implementation report, the annual ENP country progress reports, EU reports on policy coherence for development, Task Force Mediterranean updates, Visa Liberalisation Action Plan progress reports; annual reports on immigration and asylum (including staff working documents), evaluations of EU readmission agreements; the EMN Report 'A Descriptive Analysis of the Impacts of the Stockholm Programme 2010-2013', the strategic review of EUBAM Libya, and biannual updates to SCIFA, the Council's Strategic Committee on Immigration, Frontiers and Asylum, on the EU Action on Migratory Pressures.

[21] Article 38(4) of Regulation (EC) No 1905/2006.

[22] This Excel table was not designed to serve the purpose of real time project expenditure reporting.

recorded came from seven EU spending instruments[23]. However, the figures were incomplete: data on areas of expenditure other than the TPMA had not been regularly updated since 2012. Of the 23 contracts in the audited sample, five (total value 22.8 million euro) had not been included in the Excel table.

55. The data in the Excel table were extracted from the Commission's financial information system CRIS (Common Relex Information System), which the Commission introduced in 2002 to facilitate the management of external action. CRIS is the main reference information system for the management and documentation of external action. In our 2012 special report on CRIS[24], we noted certain weaknesses in the system, due in particular to the fact that CRIS data codes were not adequately defined. Consequently, the consolidation of data in CRIS had become particularly complex and error-prone, making it impossible easily to obtain aggregated data from CRIS on external aid by beneficiary country, EU spending instrument or policy.

56. The Commission uses codes defined by the OECD[25] to categorise contracts by sector of activity. However, there are no specific codes for migration in the area of public development aid. Consequently, the allocation of individual contract codes is left to the discretion of programme managers, who choose from among existing codes. Thus the codes used may not correspond to the sectors concerned. This was true of a certain number of contracts audited by the Court (see ***Box 4***). This processing method precluded any relevant analysis of the breakdown of geographical or thematic expenditure and did not permit a complete overview of the level of spending.

---

[23] The TPMA, the non-TPMA part of the DCI, the EDF, the ENPI, the EIDHR, the Instrument for Stability and the IPA.

[24] Special Report No 5/2012 "The Common External Relations Information System (CRIS)" (http://eca.europa.eu).

[25] Organisation for Economic Cooperation and Development — Development Aid Committee.

Box 4 — Examples of inappropriate coding of external migration spending

The provision of 54 four-wheel-drive vehicles for Ukraine's border control service was entered under code 15110 (public sector and administrative management policy) but could also have come under code 15130 (support for institutions aiming to support the reform of security systems). The project entitled "Supporting the creation of activity and employment in the Maghreb — migration in support of local development" was entered under code 15150 (democratic participation and society) rather than code 13010 (employment and administrative management policy). However, neither of these two codes was suited to migration projects or identified them as such.

No code exists for migration projects which do not fulfil the OECD criteria for qualification as a public development-aid project – a concern which the European Parliament raised in 2011[26]. Nevertheless, the Commission sometimes mistakenly allocated a code to them, as in the case of the Saharamed and Seahorse Mediterranean projects[27], which included some significant activities that did not fulfil the OECD criteria.

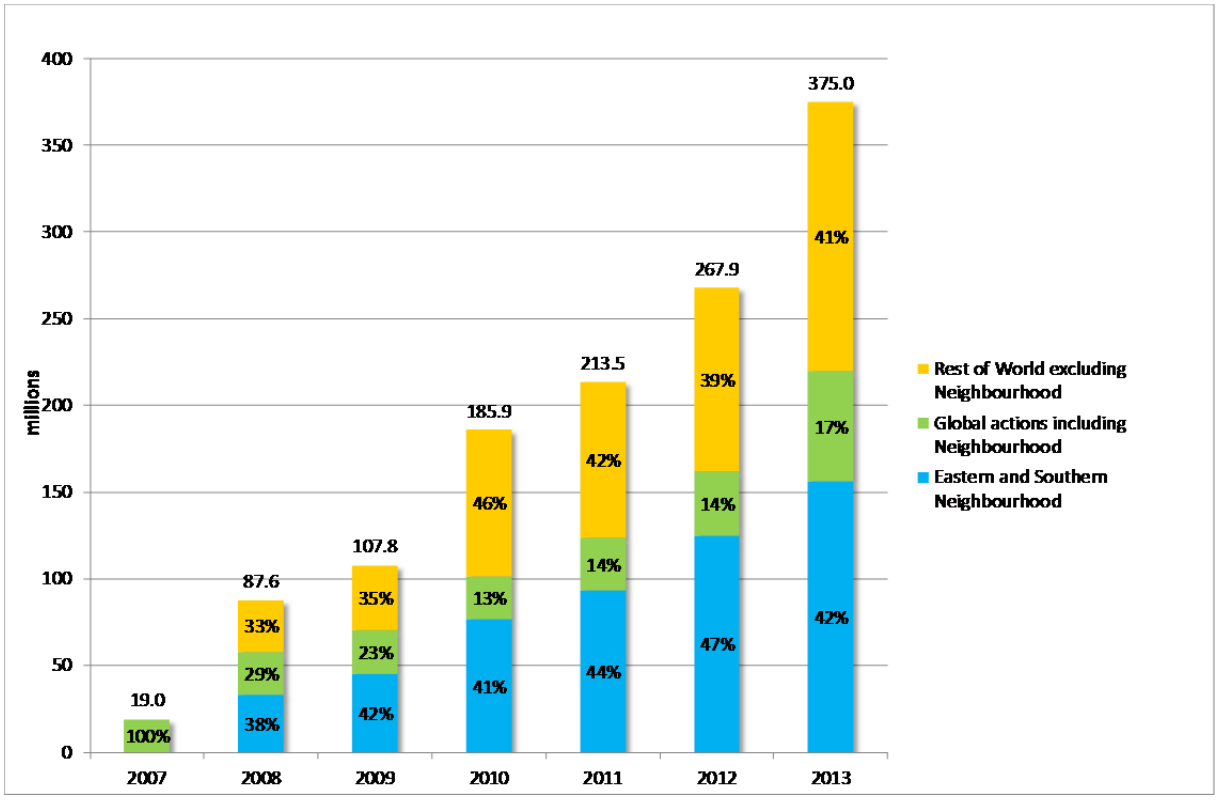
57. We examined to what extent TPMA spending was allocated to the European Neighbourhood, the first priority of the GAMM (see paragraph 9). The geographical distribution of expenditure is shown in ***Figure 3*** below. However, this is only an estimate, as some contracts covered more than one country or region (e.g. global measures may also concern Neighbourhood countries). Analysis shows that, even if a substantial proportion of contracts were devoted to Neighbourhood countries, approximately half were allocated to other regions. Between 2007 and 2013, 42 % of the total amounts were contracted in the eastern and southern Neighbourhood (and 59 % when combined with global actions) which cannot rightly be termed a high geographical priority, and might even be considered an insufficient concentration of available funds to tackle the growing instability in the area of migration.

---

[26] European Parliament Resolution of 8 June 2011 on Regulation (EC) 1905/2006 establishing a financing instrument for development cooperation: lessons learned and perspectives for the future.

[27] This was noted in the mid-term review of the TPMA Programme in 2010, which examined the Seahorse Atlantic and other projects and noted that a number of TPMA Programme projects had no code.

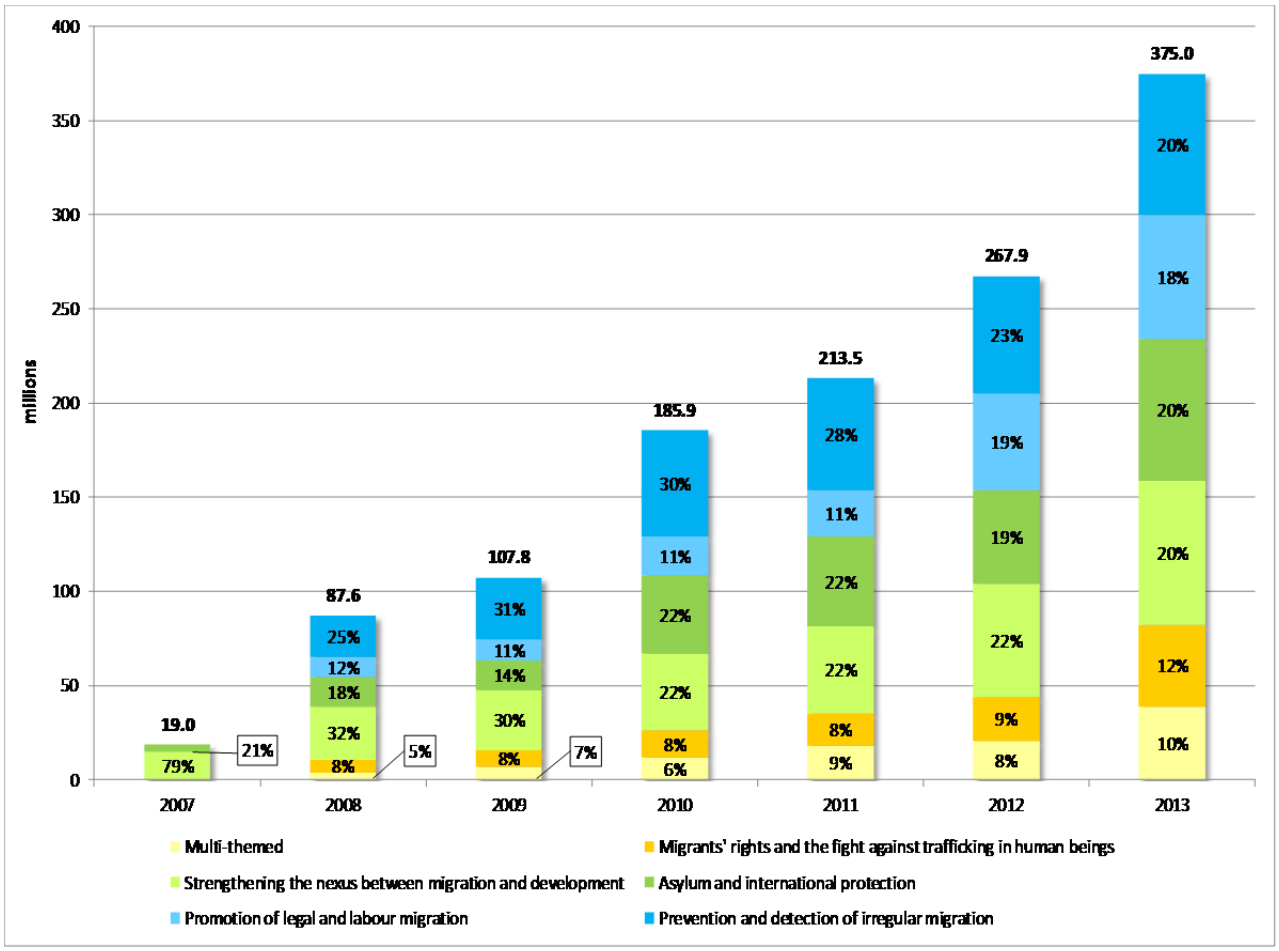
<u>Figure 3</u> – Cumulative geographical distribution of TPMA contracts 2007-2013



Source: European Court of Auditors based on data provided by the Commission.

58. It was also difficult to quantify how funds were distributed among the various thematic areas, as certain measures fell under several themes. Total expenditure for the TPMA for the 2007-2013 period is shown in ***<u>Figure 4</u>*** below.

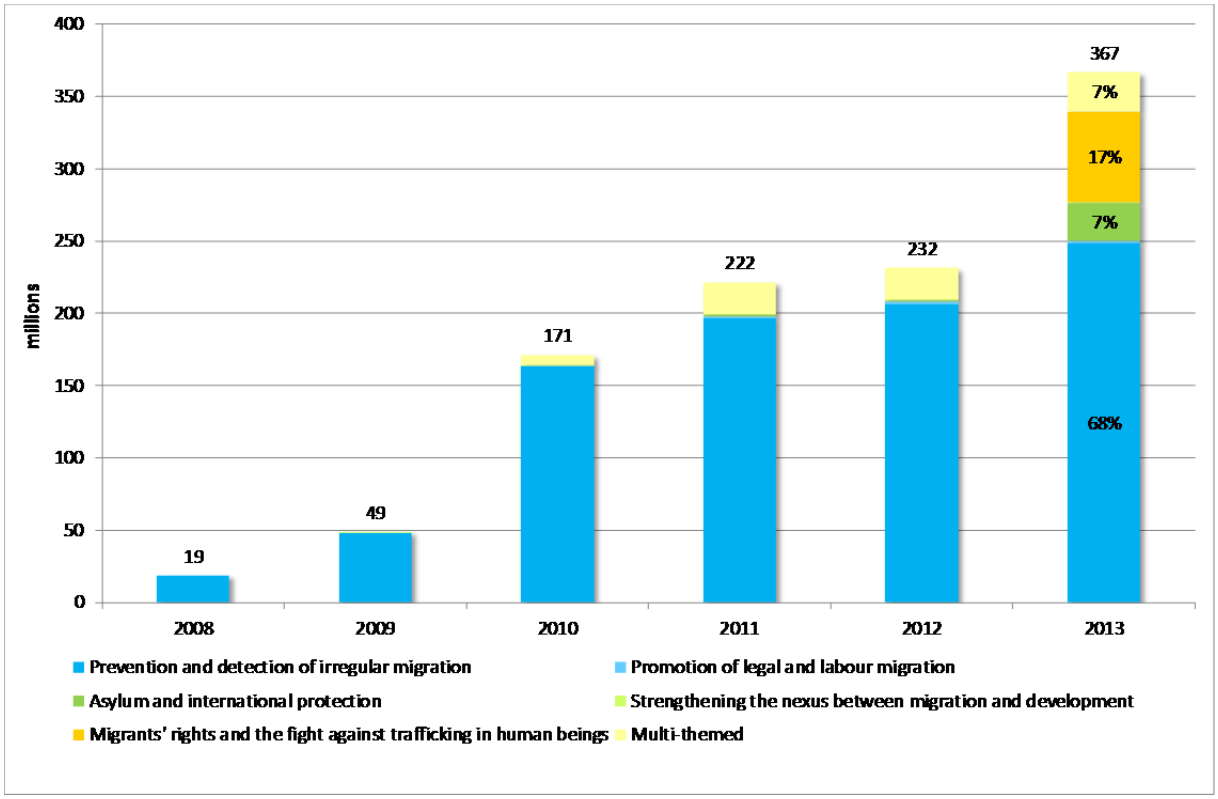
<u>Figure 4</u> – Cumulative thematic distribution of TPMA contracts 2007-2013



Source: European Court of Auditors, based on data provided by the Commission.

59. A similar analysis of contracts signed under the European Neighbourhood Instrument for 2008-2013 yields the results in ***<u>Figure 5</u>***.

Figure 5 – Cumulative thematic distribution of ENPI contracts 2008-2013



Source: European Court of Auditors, based on data provided by the Commission.

60. The combination of these two tables shows that Europe's two main spending instruments in the area of external migration, i.e. the TPMA and the ENPI, concentrated most of their activity on the prevention or detection of irregular immigration (including border control). The fact that security and border protection were the predominant element in European migration spending supersedes other objectives highlighted by the Global Approach, such as development of the link between migration and development and an emphasis, in partnership with non-EU countries, on organising effective management of migration to reflect the economic needs of host countries, the development needs of countries of origin, and migrants' rights.

Intervention spread over a wide geographical area

61. The EU's external migration spending covered a wide range of objectives, instruments and geographical areas. This may limit its effectiveness.

62. The resources allocated to assisting non-EU countries fell considerably short of the need for rapid growth resulting from the significant increase in irregular immigration in the Mediterranean region, in particular since 2013. The fact that projects were part of a series of thematic priorities in many countries ensured that no critical mass of financial resources was concentrated in one partner country. The TPMA thus covered a large geographical area and a wide range of interventions the nature and scope of which differ considerably. The scope of the TPMA's action and the ambition of its objectives bore no relation to the limited volume of available resources, meaning that projects were spread too thinly to have a critical mass sufficient to produce significant results in the countries concerned. This situation limited the EU's ability to ensure that its intervention produced a genuine incentive effect in non-EU countries, or to develop effective cooperation with them on migration concerns. At a time when resources are scarce, they must be allocated to priorities where there is the greatest potential for adding value.

63. The same observation was made in the 2011-2013 TPMA strategy paper, which stated that "its large geographical scope and wide range of objectives, combined with the limited resources available, result in a lack of "critical mass" which reduces considerably its impact in the countries concerned, preventing the EU from using such funding as a real incentive in its cooperation with non-EU countries and thus effectively engaging with those countries' governments in cooperation in this field."

64. This was also illustrated in a project audited by the Court – the EU-UN Joint Migration for Development Initiative, which aimed to help strengthen the positive impact of migration and development by supporting and engaging small-scale actors and disseminating global best practices. While aware that this programme was a pilot, we came to similar conclusions as those presented in the Commission's evaluation of this initiative, which criticised its lack of a thematic and geographical focus: "due to the requirement to have a global programme, and as 50 % of funding was allocated to countries falling under the ENPI instrument (European Neighbourhood Countries) and 50 % to DCI countries, there was no critical mass of projects within any of the countries or regions."

65. Given the limited resources available to tackle increasing migration challenges, EU action is at risk of dissipation due to a lack of clearly-stated and quantified priorities.

WEAKNESSES AFFECTED THE EFFECTIVENESS OF THE EU'S EXTERNAL MIGRATION SPENDING (TPMA AND ENPI) IN THE SOUTHERN MEDITERRANEAN AND THE EASTERN PARTNERSHIP COUNTRIES

66. We examined the effectiveness of EU spending, specifically whether projects were well designed, results were measured, implementation took place within the stipulated deadlines and the planned results were obtained. The examination involved analysing the projects we had selected and any available monitoring and evaluation documents. Although we found a number of weaknesses, we also identified a limited number of good practices.

Shortcomings in operational objectives and result indicators made projects' effectiveness difficult to assess

67. In order to measure the results of a project, quantify progress made and establish how far results comply with original objectives, it is necessary to specify operational objectives and define outputs and outcomes based on baseline and target values (see ***Glossary***).

68. We found that project objectives were often set in general terms, thus making it particularly difficult to assess results in relation to the stated objectives (see ***Box 5***). Result indicators often failed to reflect the achievement of objectives and in fact took the form of output indicators. Few of the audited projects had indicators with the essential baseline or target values for measuring the progress resulting from project implementation.

Box 5 — Example of results that were difficult to measure

The project "Providing better protection for immigrants and boosting the capacity to manage mixed migration[28] flows in Algeria" had three specific objectives:

1. to consolidate legal capacity and procedures in the area of migration and asylum for the management of mixed migration flows and the search for sustainable solutions;

[28] The term '**mixed migration**' refers to complex population movements involving people following the same routes and using the same modes of transport but whose profiles are diverse and who travel for different reasons (IOM).

2. to help develop protection and humanitarian assistance for migrants and asylum-seekers, in particular those from vulnerable groups;

3. to raise awareness and inform civil society about mixed migration flow issues.

(i) Firstly, these objectives were not specific (according to the definition of "SMART" objectives), as they concern actions that were too vague or too general to be quantified. Also, the contract stipulated no real method for measuring the achievement of objectives. For example, the first and third objectives were to be measured using studies published by organisations and newspaper articles on any progress noted in the area covered by the project.

(ii) Secondly, there were few indicators for measuring performance and, even where such indicators were quantifiable, they were not quantified and did not include baseline or target values. For example, one of the activities planned was the voluntary return of refugees (e.g. to Nigeria) with the help of an Italian trade union. There was no estimate of the number of returns expected and no analysis as to whether the country of origin was ready to receive the returning migrants. Lastly, no details were provided of the relevant and reliable information that would need to be gathered in order to measure results. Under these circumstances, it was impossible to assess how far a project had helped to improve the existing situation.

(iii) The third objective displayed the same weaknesses. Implementation was based on the organisation of awareness-raising activities for civil society and interinstitutional dialogue. The associated indicator was defined as follows: "degree of public awareness of the specific needs of persons requiring international protection". These notions were too vague to be evaluated.

69. The TPMA was established to boost capacity in countries of origin and transit (see ***Box 6***). It supported cooperation initiatives and encouraged non-EU countries to share their experiences and working methods. TPMA projects typically funded research, consultants, study visits to EU Member States, awareness-raising campaigns, etc. Therefore, TPMA projects often had objectives or activities whose impact on migration were difficult to assess, or could only be assessed in the long term.

Box 6 – Example of capacity-building leading to longer-term results

Projects to strengthen labour migration have helped Moldova to negotiate bilateral labour and social security agreements with a number of EU Member States and non-EU countries, and to commence negotiations on intergovernmental agreements relating to the migration of healthcare professionals.

Factors hindering effectiveness

70. We found that eight projects achieved their planned results. In thirteen other cases, the planned results were partially achieved. These often related to projects' objectives which were too wide and difficult to measure. One project had not achieved its results but was still ongoing and for another project, it was too early to assess the achievement of results. In a small number of cases, political instability was detrimental to project effectiveness. Lastly, some projects appeared to have been more oriented towards Member State interests, which limited their impact in partner countries (see ***Box 7***).

Box 7 – Example of a partially effective project

Seahorse Mediterranean

The purpose of this project was to strengthen the capacity of North African governments by enhancing border surveillance so as better to tackle irregular immigration and illicit trafficking. The aim was to establish a Mediterranean network (Seahorse) to permit the rapid and reliable exchange of information about irregular seaborne immigration using contact points in the African states concerned. Seahorse Mediterranean was of strategic importance to the EU given its relevance to the development of the European border surveillance and information exchange system EUROSUR [29]. One year after the start of the project, little had been achieved. Although some activities had been set up (training, meetings of technical working groups and the first national contact point), Libya was the only country to have joined the network, and project implementation was severely compromised there by the prevailing climate of insecurity and instability. Acceptance of Libya went against the views of the Commission, which would have preferred to avoid politically unstable states. The

[29] As emphasised by the Foreign Affairs Council on 18 November 2013 – Council document No 16364/13 of 18 and 19.11.2013.

Algerian authorities have confirmed that they were reluctant to take part because the incentives are weak and the security demands too onerous.

71. Considering the context and the complexity of migration issues, we found some delays in project implementation. We examined to what extent the selected projects had been implemented in good time and had yielded results within the envisaged timeframe. Nine projects were implemented within planned deadlines, five projects were implemented with a delay of less than twelve months, and five projects incurred a delay of more than twelve months. Four projects were still ongoing at the time of the audit.

72. Limited success was in some cases due to political instability. The "SaharaMed" project was launched in 2010 against a backdrop of significant migration flows to Libya and across the Mediterranean to Italy. Implementation started before the 2011 revolution in Libya, and was subsequently amended to take account of the new post-revolution situation. Broadly defined, the project aims were to improve or consolidate resources for combatting irregular immigration, to prevent and intercept irregular immigration off the Mediterranean coast, to investigate and pursue illicit trafficking, particularly of people, and efficiently manage not only the handling of migrants apprehended in accordance with international rules, but also search-and-rescue operations. Political instability in the country and weaknesses in project management resulted in a 12-month suspension in 2011, followed by a 12-month extension, then a further seven-month suspension in 2014, as well as the loss of some investment. Out of a total of 10 million euro, only 3 million euro was spent under the project, according to the financial report available at the time of the audit, with the Commission having advanced 5.8 million euro when implementation began. Given the difficulty of the situation, some services in support of rescue operations and combatting human trafficking at sea, such as delivering ambulances or repairing boats damaged during the war, had not been provided at the time of the audit.

73. The preceding paragraphs describe a number of weaknesses which have an impact on project effectiveness. We also found a small number of cases where these weaknesses were correctly addressed, which positively influenced the effectiveness of the projects in question.

An example of good practice

Box 8 – An example of good practice

One such example is the project "Promoting respect for sub-Saharan migrants' rights in Morocco". This ongoing project, which began in January 2013 (2 million euro), aimed to help promote respect for the rights of sub-Saharan migrants in the provinces around Rabat, Tangiers and Casablanca. The project was well designed, responded to local needs and set a limited number of operational objectives (e.g. “Improve the way migrants are received and reduce the risk of wholesale exclusion"), as well as concrete expected results (e.g. around 4 500 extremely vulnerable migrants have been housed at three model reception centres, and migrants' rights were recognised and respected by the institutional partners), and quantifiable indicators have been set together with sources and channels for verifying them.

Detailed reporting was provided based on verifiable facts clearly showing that objectives had progressively been achieved (at the time of the audit, however, it was too early to analyse the project's overall impact or outcomes). The project works closely with other donor initiatives and tries actively to engage the government as well as local authorities. The EU delegation is kept well informed and provides ongoing monitoring.

Effectiveness issues in three key areas

74. The following sections consider effectiveness in three key areas:

- the link between migration and development (the positive impact of migration on development), which is one of the EU priorities;
- the support measures for return and readmission;
- the protection of human rights, which is a cross-cutting objective to be implemented in all projects.

The link between migration and development

75. The link between migration and development is one of the four priorities of the Global Approach to Migration and Mobility (GAMM) (see paragraph 7). It also figures, in very general terms, in the DCI Regulation: “maximising the development impact of the increased

regional and global mobility of people, and in particular of well-managed labour migration, improving […] a common understanding of the migration and development nexus". It is one of the key actions of the fourth pillar, 'a new policy on legal migration', of the European agenda on migration issued by the Commission in May 2015.

76. The flagship project of the Thematic Programme in this area was the Joint Migration and Development Initiative (JMDI), which had a budget of 15 million euro and was implemented with the United Nations Development Programme. The general aim of the Initiative was to contribute to strengthening the positive impact of migration through the engagement of small scale actors and dissemination of global best practices. Three specific objectives were set:

(a) to reinforce capacities of small scale actors to be more effective in designing and implementing their migration and development initiatives;

(b) to facilitate networking and knowledge-sharing among migration and development practitioners;

(c) to produce recommendations to practitioners and policy makers for dissemination at national and international levels.

77. That these objectives were too vague to be properly assessed has already been noted, by an external evaluation in 2011[30] which stressed that any results observed could be regarded as being in line with the objectives. The evaluation's conclusions were not discussed by the JMDI Steering Committee.

78. The JMDI overall programme performance and results were to be measured by indicators, such as the number of training courses delivered in the area of capacity-building, the frequency of communication or level of participation in online discussions, the number of downloads, content created and circulated, the number of visitors to a virtual fair, and a manual on best migration and development practices. These indicators did not clearly show

[30] Evaluation of the EC/UN Joint Migration and Development Initiative, IBF International Consulting 2011.

how the positive impact of migration on development could be increased or what specific results could be achieved in terms of quality and quantity.

79. The main achievements of the JMDI were to design and launch a call for proposals for 55 small projects, to be implemented in 16 countries, involving diaspora organisations present in the 27 EU Member States, and a manual of best practices codified and established on the basis of the project results. It has also allowed networking and knowledge sharing among migration and development practitioners. In addition, the project also achieved high visibility at international fora like the annual Global Forum for Migration and Development.

80. We examined a sample of projects launched under the JMDI pilot Initiative following a call for proposals. The results were mixed: objectives were often too ambitious, or the link between migration and development was unclear, and not all projects were sustainable. In one project in Morocco, women from a high-emigration region had set up cooperatives and were able to create sustainable income-generating activities (e.g. selling spices, managing a cake shop) and develop basic reading and writing skills. The cooperatives were to have been set up with the close and active involvement of the Moroccan diaspora in Italy. Although the cooperatives were put in place, the Moroccan diaspora in Italy was not significantly involved.

81. The projects we examined were limited in their impact and viability, and concerned development rather than migration. The projects visited in Morocco, Georgia and Algeria involved participants on a very local scale and concerned a very small number of people. Given the general JMDI aim of identifying best practices, the impact of large-scale dissemination was necessarily limited.

Support measures for returns and readmissions: limited impact and unequal support from non-EU countries

82. The EU's policy on the readmission of irregular migrants was introduced through the Treaty of Amsterdam in 1999, which empowered the Union to negotiate and conclude readmission agreements with non-Member States. These take the form of cooperation agreements which make it easier for the country of origin or the country of transit to issue

laissez-passer for nationals of non-EU countries who have no passport and are in the removal process. The policy was formalised in the Returns Directive of 2008[31].

83. The EU has concluded 17 readmission agreements, including five with Neighbourhood countries. In addition, various Member States have signed bilateral agreements with non-EU countries. For example, Georgia has both a readmission agreement with the EU as well as a number of bilateral readmission agreements with Member States.

84. EU spending programmes for returns and readmissions provided services for migrants facing voluntary or forced return. Help was given with professional integration and vocational training, starting up a business and medical care. The programmes also assisted public administrations handling returnees and readmitted migrants through studies, exchanges and help with the organisation of campaigns to raise awareness about the risks of irregular immigration and human trafficking.

85. Of the 23 projects examined by the Court, five related to readmission and were worth a total of 20.50 million euro. This amount was split between the European Neighbourhood and Partnership Instrument (16.31 million euro) and the Migration and Asylum thematic programme (4.19 million euro). Projects were often rather small and were limited in their results and effectiveness (see ***Box 9***).

Box 9 – Readmissions project in Georgia

Support for Georgian returning/repatriated migrants and implementation of the EU's readmission agreements with Georgia

The purpose of this project (value 3 million euro) was to strengthen government capacity in the management of returning/repatriated migrants, assist with the economic and social reintegration of Georgian nationals and develop an information campaign.

[31] Directive 2008/115/CE of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

The project contributed to the development of a national strategy and legislation on migration. Two career-guidance and recruitment centres were set up to help with the reintegration of returnees. However, it was uncertain at the time of the audit whether these centres would continue to operate once the project had ended because further funding was to come from the EU, through the International Organisation for Migration (IOM), rather than from local sources.

It was planned that 700 people would benefit from the job placement service; in the end it helped 423 people, 119 of whom found work, and 83 were assessed to be still in work at the end of the project.

A final measure was to provide temporary accommodation for 180 people. Thirteen people only benefited from this support.

Help with establishing an effective system for managing readmissions in the three Caucasus states

The purpose of this project (value 1.5 million euro) was to help establish an effective system for managing readmissions in Armenia, Azerbaijan and Georgia. 20 % of the project costs were borne by EU Member States. The project activities included a capacity-strengthening programme and study visits to several EU Member States (nine officials participated in the study visits), while 110 foreign nationals resident in Georgia benefited from assisted voluntary repatriation. The project set up an electronic readmissions case management system (RCMS) on the Internet for Member States to register and process readmission applications. Several Member States signed up to the system in 2014, although it was still too early to quantify any resulting efficiency gains.

86. Achievements in the audited projects were limited because:

(a) The policy on readmissions is wrongly perceived by some partner countries to be a component of the EU's security policy. It is often seen as a trade-off for the facilitation of visa arrangements in eastern states or commercial agreements with southern governments.

(b) The Member States do not effectively prepare migrants living in the EU for their return home[32].

(c) Finally, many migrants who have returned are not aware that assistance is available for their readmission, and the reintegration difficulties which they may face result in high levels of re-emigration[33].

Human rights protection: included in projects audited but not always successfully implemented

87. Many documents have stated a commitment to respect human rights, among them the communication issued by the Commission following the Arab Spring[34]. In its first report on the Global Approach to Migration and Mobility, the Commission noted that the building of mobility partnerships depended on a better balance between thematic priorities; in particular, greater emphasis was necessary on "legal migration, human rights and refugee protection"[35]. When adopting the report, the Council reiterated these conclusions.

88. We found that most of the audited projects did address human rights, directly or indirectly, in their objectives. Examples were the promotion of migrants' rights in Morocco and Algeria and the construction of migrant reception centres to international standards in the Ukrainian readmissions programme. In practice, however, to take the case of the Ukrainian reception centres, no training was envisaged to help the authorities operating the centres comply with international human rights standards. The treatment of migrants,

---

[32] Picard, E and Greco Tonegutti, R, Study on the results of concrete migration and development projects financed from the Aeneas and TPMA programmes, October 2014, http://ec.europa.eu/europeaid/sites/devco/files/study-migration-and-development-20141031_en.pdf.

[33] According to a study published on CARIM-East, 40 % of returnees are determined to re-emigrate because of the difficulties they face on repatriation. Mirian Tukhashvili, "The demographic and economic framework of circular migration in Georgia", CARIM-East Explanatory Note 12/89.

[34] COM(2011) 303 final of 25 May 2011 'A new response to a changing Neighbourhood'.

[35] COM(2014) 96 final.

asylum-seekers and refugees in Ukraine has been repeatedly criticised by international organisations and civil society.

89. The SaharaMed project, which received 10 million euro in funding to improve capacity in tackling irregular immigration and preventing and intercepting irregular immigrants in the Mediterranean area, included no precautionary measures to guarantee respect for migrants' rights, either through activities or the purchase of equipment. The risk assessment gave no thought to a machinery for responding to human rights violations. When, at the end of 2012, the European Parliament called for the establishment of effective monitoring mechanisms for the protection of human rights[36], the project manager responded by inviting an Italian NGO to develop the Libyan authorities' capacity to provide protection. Many reports have spoken of the numerous human rights violations in detention centres, and the Libyan authorities refused the NGO's help despite the existence of a formal agreement[37]. The NGO itself proposed that SaharaMed be terminated in 2013, and it was duly suspended. In 2014 the project was complemented by two others focusing on the protection of and respect for the human rights of migrants in Libya[38].

A DIFFICULT COORDINATION BETWEEN SEVERAL PARTNERS AT DIFFERENT LEVELS

90. A great many partners in the EU, the Member States and non-EU countries play a role in the governance of migration policy. Several Commission directorates and departments are involved (including DG for International Cooperation and Development, DG for Migration and Home Affairs, DG Enlargement and, more recently, DG for Neighbourhood and Enlargement Negotiations, as well as the EEAS) in partnership with the Member States and non-EU countries, whose expectations may differ.

---

[36] European Parliament resolution of 22 November 2012 on the situation of migrants in Libya (2012/2879(RSP)).

[37] http://www.amnesty.org/en/news/libya-refugees-asylum-seekers-and-migrants-held-indefinitely-deplorable-conditions-2013-06-20; http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees.

[38] "Protecting vulnerable populations in Libya" (5 million euro) and "Rights-based support for the asylum system and migration management in Libya" (10 million euro).

Governance was complex

91. The organisation chart for the implementation of migration policy at the EU institutions (see ***Annex V***) was complex. There were weaknesses in the links among the major partners – both among the Commission's directorates and departments and between the Commission in Brussels and its delegations.

92. The need to improve *internal coordination among the Commission's key departments* – especially between DG for International Cooperation and Development and DG for Migration and Home Affairs, the two main partner Directorates-General – has often been reiterated by the Council, the Commission and a number of working groups.

93. Despite efforts by the Commission to manage migration across its various policy areas and departments (development cooperation, the Neighbourhood, enlargement and foreign and home affairs), there was no workable strategy or mechanism to ensure coordination between policy areas, funds or DGs.

94. Funding for the GAMM is an important ingredient of its successful implementation. Member States can contribute directly to its financing and therefore an effective coordination mechanism is important. However there was no funding overview at the level of the GAMM that defined, in particular, who finances what or how funds are assigned.

95. The Court notes the recent internal reorganisation at the Commission (e.g. the creation of colleges of Commissioners to improve coordination).

96. Internally, coordination between DG for International Cooperation and Development and DG for Migration and Home Affairs has been strengthened, thanks largely to the presence in the latter of staff with development experience and, in DG for International Cooperation and Development, of staff with home affairs experience. There is now a better understanding of the mutual interest of EU action in the areas of migration and development.

97. Over the audited period, the EEAS, which only became operational as of 2010/2011, was not in a position to fully play its role, despite the Council's emphasis on the need, as expressed in the GAMM, to bring the internal and external dimensions of the EU’s migration

policy more closely together. This was partly explained by the EEAS's lack of sufficient thematic expertise in areas that include migration and asylum policy – a lack which the Court identified in a special report published in 2014[39].

98. Poor coordination between the Commission in Brussels and the EU delegations in partner countries resulted in ineffectiveness. It was damaging that the delegations were insufficiently involved in planning, given that many of the audited projects were found to lack any real understanding of the partner country's expectations and specific situation.

99. To some degree, these weaknesses were the responsibility of the Commission in Brussels for not providing the delegations with the requisite information, especially in the case of projects involving more than one country. We found that the delegations concerned were not always informed about this. The Commission had also neglected to follow up an external evaluators' recommendations concerning the general pooling of good practices identified in the local implementation of projects.

100. Insufficient coordination therefore led to the loss of intelligence and the duplication of effort. For example, project effectiveness was compromised when studies already available were repeated unnecessarily.

Mobility partnerships: the need to clarify coordination

101. Mobility partnerships are constructed around a standard model that varies according to respective needs, interests and capacity of the partner country and the EU. The negotiation and implementation of Mobility partnerships are monitored (at strategic/policy level) by the high-level working group on asylum and migration. In addition, the more technical and operational aspects of the implementation are monitored by an expert group composed of representatives from the Member States, the Commission directorates concerned (DG for Migration and Home Affairs, DG for International Cooperation and

---

[39] Special Report No 11/2014 'The establishment of the European External Action Service' (http://eca.europa.eu).

Development and DG Neighbourhood and Enlargement Negotiations), EEAS and relevant EU Agencies.

102. Coordination remains necessary in order to ensure, for example, that Member States duly update and share partnership "scoreboards" on a regular basis, and to inform Frontex about bilateral projects so as to avoid duplication.

Outlook for the future

103. The new multiannual financial framework (2014-2020) and the start of the new Commission's term of office at the end of 2014 have opened a window of opportunity to enhance coordination of the Union's external migration policy. Migration is recognised as a priority for the new Commission, and one Commissioner has been given specific responsibility for this area. The European agenda on migration, issued by the Commission in May 2015, identifies “four pillars to manage migration better” and calls for “an enhanced coherence between different policy sectors, such as development cooperation, trade, employment, foreign and home affairs policies”. Better cooperation with countries of origin and transit, backed up by EU delegations with a more active role, will help to improve the monitoring of readmissions. The Commission is also calling for stronger action to link migration and development policy by maximising the development benefits for countries of origin.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1 – The EU’s external migration spending was governed by a wide range of policy objectives which were not sufficiently broken down into operational goals supported by result indicators. Monitoring and evaluation need further improvements.

(a) External migration was implemented through multiple spending instruments, each with its own objectives. The objectives were not interlinked and the instruments provided no clear strategy by which to identify the scale of their contribution. Thus it is unclear what they intended to achieve at EU level (see paragraphs 27 to 31).

(b) The very general objectives of the thematic programme were not broken down into operational goals tailored to partner countries’ needs. The indicators used for

monitoring covered just a few of the objectives and were mutually inconsistent; the indicators were also liable to change over time and were not carefully monitored; numerical data were sparse and generally unreliable. There was inconsistency between the indicators used at various policy levels (strategic framework, budget and annual activity report) and between these indicators and those defined at project level (see paragraphs 32 to 47).

(c) There was no correlating matrix of objectives and indicators at all levels (from individual projects to the annual activity report) for all spending instruments. Thus policy results could not be monitored or correctly reported in a comprehensive and coordinated manner (see paragraphs 49 to 51).

(d) Owing to weaknesses in the Commission's information systems, it could not be established to what degree EU funds were assigned (through the TPMA) to the main priorities of Neighbourhood countries. Failing a quantitative assessment of priority needs, it was not possible to assess whether or not current levels of support in the Neighbourhood countries were appropriate (see paragraphs 52 to 56).

(e) External migration spending in the Neighbourhood countries was characterised by great thematic and geographical diversity. This placed limits on its effectiveness by making it impossible to assemble a critical mass of funding with which to target real needs in priority regions (see paragraphs 58 to 65).

Recommendation 1 – Clarify objectives, develop, expand and improve the performance measurement framework and focus available financial resources on clearly defined and quantified target priorities

The Commission should set clear and specific policy objectives implemented through a coherent set of EU spending instruments. To maximise impact, it should allocate resources to actions and geographical areas in line with clearly-defined and quantified priorities. Budget and project management should be sufficiently flexible to adapt to situations of rapid change. The Commission should ensure that result indicators, measurable targets and baselines are defined at project level on the basis of the activities undertaken. Indicators should remain stable over time and be comparable, and quantitative data should be collected systematically. A correlating matrix of objectives and indicators at all levels and for all EU spending instruments should be developed so that policy results can be correctly represented and reported in a comprehensive and coordinated manner.

Recommendation 2 – Develop an appropriate coding in the Commission's information systems

The Commission should pursue the introduction of an appropriate coding system for external migration actions or develop an appropriate methodology so as to make it possible to have a more comprehensive overview of migration spending in order to identify and monitor EU spending (by type and place) in this area and to complement the OECD DAC coding system.

Conclusion 2 – Weaknesses affected the effectiveness of the EU's migration spending (TPMA and ENPI) in Southern Mediterranean and Eastern partnership countries

(a) Because of ambitious or too general objectives, projects results often could not be measured. Result indicators often took the form of output indicators and therefore did not state whether objectives had been achieved (see paragraphs 67 to 72).

(b) The objective to strengthen the relationship between migration and development was partially implemented. To judge from the projects examined, the contribution made by migrants returning to their home country was limited (see paragraphs 75 to 81).

(c) The projects aimed at facilitating returns and readmissions had limited results notably because the underlying policy was wrongly perceived by some partner countries to be a component of the EU's security policy, which made it hard for them to accept. Furthermore, the Member States do not effectively prepare migrants for their return home (see paragraphs 82 to 86).

(d) The objectives of most of the audited projects included a commitment, in theory, to respect for human rights, but we found several cases where this was not supported in practice (see paragraphs 87 to 89).

Recommendation 3 – Improve project preparation and selection

The Commission should improve the initial planning of projects by requiring relevant, achievable and measurable objectives (and ensuring that such requirements are clearly embedded in contractual templates and guidelines and, subsequently, applied). Project indicators should include result indicators.

Recommendation 4 – Further consolidate the link between development and migration

The Commission should further clarify its approach for ensuring that migration positively influences development. It should ensure that programmes and projects place greater emphasis on migration, and should seek to define what policies are necessary to produce positive impacts.

Conclusion 3 – The coordination of the EU's external migration spending (TPMA and ENPI) between actors at different levels was difficult.

The complex governance arrangements weaken coordination at all levels among EU bodies, in particular between DGs and between the Commission in Brussels and the EU delegations in partner countries. Notwithstanding recent initiatives in this area, further rationalisation is required. There was no funding overview at the level of the GAMM that specified who finances what between the Commission and the Member States (see paragraphs 91 to 100).

Recommendation 5 – Internal and external dialogue to improve coordination

The Commission and the EEAS should strengthen the capacities of EU delegations on migration issues. The Commission should seek the development of a funding overview of who finances what under the GAMM.

This Report was adopted by the Court of Auditors in Luxembourg at its meeting of 25 February 2016.

For the Court of Auditors

Vítor Manuel da SILVA CALDEIRA

President

ANNEX I

Mobility partnerships signed between the EU, EU Member States and non-EU countries

	Cape Verde	Moldova	Georgia	Armenia	Morocco	Azerbaijan	Tunisia	Jordan	
Date	2008	2008	2009	2011	2013	2013	2013	2014	
EU	X	X	X	X	X	X	X	X	**8**
France	X	X	X	X	X	X	X	X	**8**
Germany		X	X	X	X		X	X	**6**
Italy		X	X	X	X		X	X	**6**
Poland		X	X	X		X	X	X	**6**
Sweden		X	X	X	X		X	X	**6**
Belgium			X	X	X		X		**4**
Bulgaria		X	X	X		X			**4**
Czech Republic		X	X	X		X			**4**
Netherlands			X	X	X	X			**4**
Portugal	X	X			X		X		**4**
Romania		X	X	X				X	**4**
Spain	X				X		X	X	**4**
Denmark			X				X	X	**3**
Greece		X	X					X	**3**
Lithuania		X	X			X			**3**
United Kingdom			X		X		X		**3**
Cyprus		X						X	**2**
Hungary		X						X	**2**
Slovakia		X				X			**2**
Slovenia		X				X			**2**
Estonia			X						**1**
Latvia			X						**1**
Luxembourg	X								**1**
Austria									**0**
Croatia									**0**
Finland									**0**
Ireland									**0**
Malta									**0**
Total MS	**4**	**15**	**16**	**10**	**9**	**8**	**10**	**11**	

ANNEX II

Amounts committed, contracted and paid in the external dimension of migration policy during the 2007-2013 period (million euro)

	Budget commitments	Contracts by value	Number of contracts	Payments
TPMA	379.78	375	256	304.30
ENPI		376	64	
DCI (excl. TPMA)		190	64	
EDF		156	27	
EIDHR		7	43	
IFS		5	4	
IPA		309	76	
TOTAL		1 418	534	304.30

Data not available

ANNEX III

Spending on external migration policy: multiple EU spending instruments, each with its own objectives and strategies

Development Cooperation Instrument (1. DCI – TPMA, 2. DCI – others): the applicable regulation sets primary and overarching objectives, refers to objectives for geographical and thematic programmes and pursues objectives set out in other policy documents or external documents (the Millennium Development Goals and objectives approved by the United Nations and other international organisations). It is implemented in all non-EU countries except those eligible for pre-accession assistance. In the case of geographical programmes, countries eligible for the European Development Fund, the European Neighbourhood Instrument, or the Instrument for Pre-accession Assistance are not covered, and neither are the signatories to the ACP-EU partnership (excluding South Africa).

3. The European Neighbourhood and Partnership Instrument which partly included migration, did not itself define policy objectives. The applicable Regulation referred to the setting of priority objectives in strategy papers – to be adopted by the Commission – for a country or a region. Where the EU had agreed no specific objectives with the country concerned, EU policy objectives were to be pursued (but it is not specified which).

4. European Development Fund: the provisions of the EDF are similar to those of the development cooperation instrument, but it is implemented in other countries, namely 78 African, Caribbean and Pacific (ACP) countries. Therefore, the EDF is not as such used in the neighbourhood countries but can be used, for instance, to support migrants returning from neighbourhood countries.

5. The Instrument for Stability aims to address major risks and threats to political security and development. The regulation defines two general objectives. Specific objectives are set in multi-country strategy papers, thematic strategy papers and multiannual indicative programmes.

6. The European Instrument for Democracy and Human Rights aims at consolidating democracy in non-EU countries and enhancing observance of human rights. The regulation sets three general objectives, with specific objectives to be defined in strategy papers which the Commission also uses to define the objectives of annual action programmes.

7. The Instrument for Pre-accession Assistance provides eight "enlargement countries" with financial and technical help throughout the accession process. The regulation sets general objectives, with specific objectives to be defined in multiannual and annual programmes and other objectives relating to specific components such as cross-border cooperation. Therefore, the IPA is not as such used in the Southern Mediterranean and Eastern Partnership countries.

ANNEX IV

Summary of projects audited

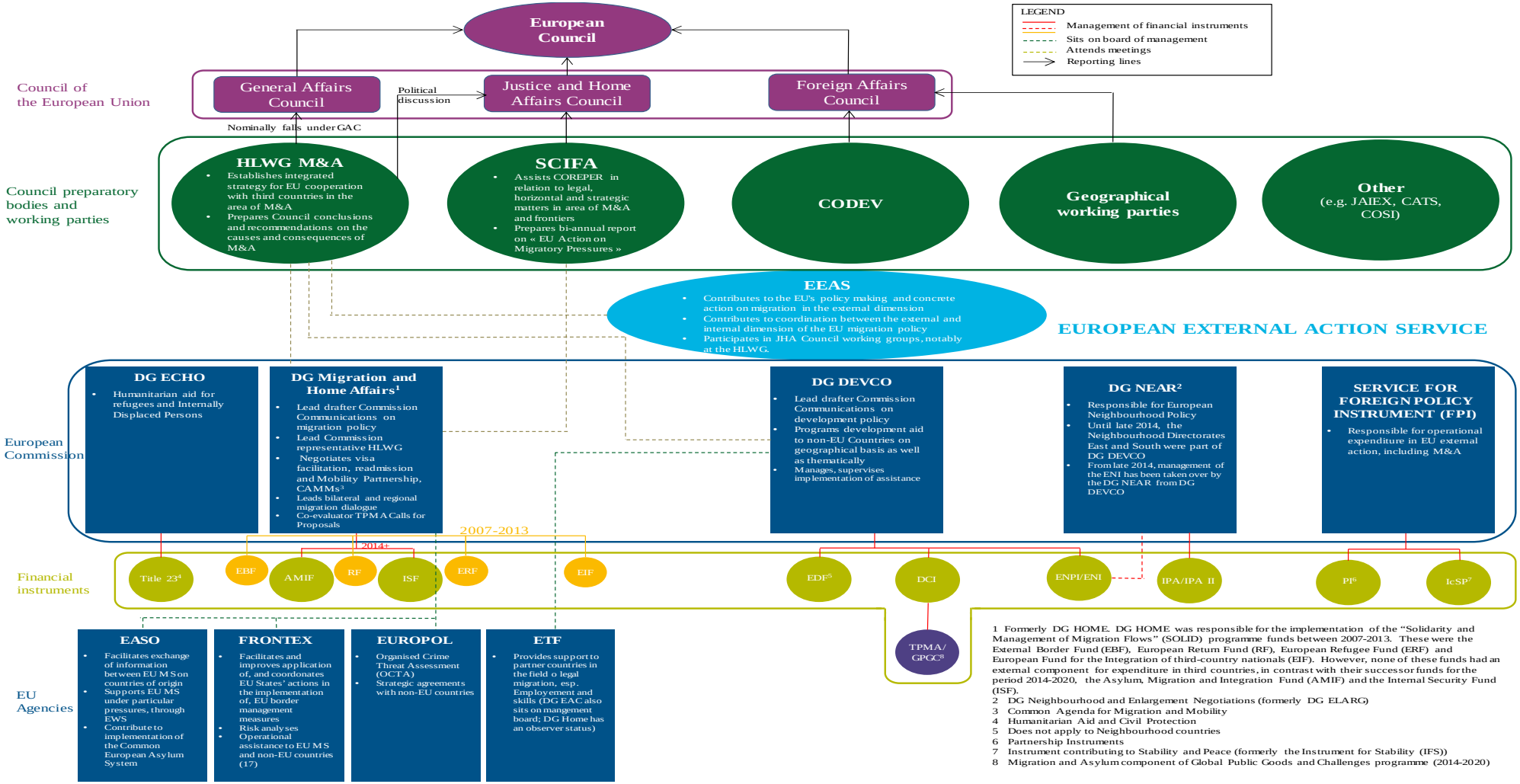
Funding instrument	Contract year	Duration (months)	Title	EU financing *(euro)*
Global				
TPMA	2007	55	Joint Migration and Development Initiative	15 000 000
Eastern Neighbourhood				
ENPI	2008	45	Southern Caucasus Integrated Border Management (SCIBM)	6 000 000
ENPI	2009	71	Readmission-related assistance and EUBAM flanking measures[40]	4 864 050
ENPI	2009	42	Supporting the implementation of the migration and development component of the EU-Moldova Mobility Partnership	1 999 734
TPMA	2010	36	Effective government of labour migration and its skills dimensions	1 507 501
TPMA	2010	35	Support reintegration of Georgian returning migrants and the implementation of EU-Georgia Readmission Agreement	3 000 000
ENPI	2011	22	Readmission-related assistance and EUBAM flanking measures	1 798 941
ENPI	2011	48	Readmission-related assistance and EUBAM flanking measures	9 532 400
TPMA	2011	35	Better managing the mobility of health professionals in the Republic of Moldova	2 000 000
TPMA	2011	23	Support to UNHCR activities in Eastern Europe in the context of EU Regional Protection Programmes – Phase II	1 500 000
TPMA	2012	24	Supporting the establishment of effective readmission management in Armenia, Azerbaijan and Georgia	1 193 965
TPMA	2013	36	Strengthening the development potential of the EU Mobility Partnership in Georgia through targeted circular migration and diaspora mobilisation	878 000

[40] This amount includes an amendment to the project of 864 810 Euros which the Court had to examine to obtain an understanding of the full project

Funding instrument	Contract year	Duration (months)	Title	EU financing *(euro)*
Southern Neighbourhood				
TPMA	2008	47	Faciliter la création d'entreprises au Maroc grâce à la mobilisation de la diaspora marocaine installée en Europe (FACE-Maroc)	1 497 305
TPMA	2008	26	Interactive Map on Irregular Migration Routes and Flows in Africa, the Middle East and the Mediterranean Region (I-Map)	784 789
TPMA	2009	59	SaharaMed: Prevention and management of irregular migration flows from Sahara desert to Mediterranean Sea	10 000 000
ENPI	2010	44	MEDSTAT III	7 000 000
TPMA	2010	36	Algérie: Renforcer la protection des migrants et les capacités de gestion des flux migratoires mixtes	1 915 916
TPMA	2011	23	Support to UNHCR activities in North Africa in the context of Regional Protection Programme	3 631 627
ENPI	2011	40	EUROMED MIGRATION III	4 998 800
TPMA	2012	35	Promotion du respect des droits des migrants subsahariens au Maroc	1 594 264
TPMA	2012	36	Soutenir la création d'activité et l'emploi au Maghreb - La migration au service du développement local	1 875 000
TPMA	2013	36	Seahorse-Mediterranean network with MS (SP)	4 500 000
TPMA	2013	13	Support to UNHCR activities in North Africa in the context of Regional Protection Programme	1 953 000
TOTAL				89 025 292

ANNEX V

Implementing mechanisms for EU financial assistance (M&A external dimension)



1 Formerly DG HOME. DG HOME was responsible for the implementation of the "Solidarity and Management of Migration Flows" (SOLID) programme funds between 2007-2013. These were the External Border Fund (EBF), European Return Fund (RF), European Refugee Fund (ERF) and European Fund for the Integration of third-country nationals (EIF). However, none of these funds had an external component for expenditure in third countries, in contrast with their successor funds for the period 2014-2020, the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF).
2 DG Neighbourhood and Enlargement Negotiations (formerly DG ELARG)
3 Common Agenda for Migration and Mobility
4 Humanitarian Aid and Civil Protection
5 Does not apply to Neighbourhood countries
6 Partnership Instruments
7 Instrument contributing to Stability and Peace (formerly the Instrument for Stability (IFS))
8 Migration and Asylum component of Global Public Goods and Challenges programme (2014-2020)

Source: European Court of Auditors.

REPLIES OF THE COMMISSION TO THE SPECIAL REPORT OF THE EUROPEAN COURT OF AUDITORS

"EU EXTERNAL MIGRATION SPENDING IN SOUTHERN MEDITERRANEAN AND EASTERN NEIGHBOURHOOD COUNTRIES UNTIL 2014"

EXECUTIVE SUMMARY

I. The Commission and the EEAS have the following remarks with respect to the context and content of this report:

The Commission and the EEAS are obliged to act in a complex and ever changing environment. In the context of an unprecedented refugee and migratory crisis, migration policy is very much readjusting its priorities and reinforcing its features at EU level and continuously adapting to changing circumstances.

This report by the Court of Auditors was prepared before these significant developments took place.

Migration and asylum is a multifaceted, complex and constantly evolving policy area at both international and EU level, and the Commission is obliged to operate in this changing and challenging environment. As a result, it is an area that requires similarly complex and multi-dimensional structures for its implementation.

This political, legal, operational and budgetary context is not taken sufficiently into account by the Court in the report.

II. The Commission agrees that it is difficult to easily establish the total amount of expenditure charged to the budget and whether this was directed in line with the intended geographical and thematic priorities. The Commission will further improve the overall monitoring and evaluation framework in this complex policy area, still ensuring that the intended geographic and thematic priorities, according to the focal areas, are identified by the relevant instruments.

III. At the individual level, all projects funded by EU financing instruments include indicators that are monitored throughout the life time of each project. See also Commission reply to paragraph 68.

IV. Migration is a complex and politically sensitive policy area cutting across a number of sectors and involving a wide range of different stakeholders (e.g. European Agencies, IOM, UNHCR), within and outside the EU institutions. The management of EU external migration policy and cooperation necessarily mirrors this situation.

In recent years efforts have been made to further improve the coordination between the Commission's Directorates-General and with the European External Action Service, as well as with EU Member States, and a number of coordination mechanisms have been put in place for this purpose. The recent European Agenda on Migration underlines the need to further strengthen these efforts.

INTRODUCTION

1. The Commission underlines that spending on refugees in partner countries, including in the neighbourhood region, was included in the EU cooperation with third countries on migration- and asylum-related matters even before 2015. Indeed, most migration projects follow a comprehensive and inclusive approach, since migration flows are characterised by their mixed nature, including economic migrants, vulnerable migrants and persons in need of international protection.

2. In 2015, the Commission presented on 13 May the European Agenda on Migration, on which basis Council Conclusions were adopted in June 2015.

11. Since the launch in November 2014 of the so-called Khartoum Process (with countries along the East African migratory route) priority is given to eight regional dialogues.

The Common Agendas on Migration and Mobility are also considered as a principal bilateral framework alongside the Mobility Partnerships.

13. Root causes of irregular and forced migration range from poverty, lack of economic opportunities to conflicts, insecurity and climate change and everything in between. The Thematic Programme for Migration and Asylum, with an annual allocation of approximately €50 million, was, indeed, never intended to address such root causes, but its focus was to support countries to improve their migration and asylum management.

15. The ENPI Regulation set general objectives, while agreements between the EU and partner countries provided the policy framework for the programming of assistance. (See ENPI Regulation, Article 3).

Nevertheless, for the 2014-2020 period, specific objectives have been set when the ENPI has been replaced by the European Neighbourhood Instrument (ENI). According to the Regulation No 232/2014, one of the six specific objectives of the ENI is to create *'conditions for the better organisation of legal migration and the fostering of well-managed mobility of people, for the implementation of existing or future agreements concluded in line with the Global Approach to Migration and Mobility, and for the promotion of people-to-people contacts, in particular in relation to cultural, educational, professional and sporting activities*'.

AUDIT SCOPE AND APPROACH

22. As mentioned by the Court, the Commission notes that, although included in Annex III, neither IPA nor EDF provide funding to the neighbourhood countries.

COHERENCE OF OBJECTIVES, IDENTIFICATION OF PARTNER COUNTRY NEEDS AND MONITORING INSTRUMENTS NEED IMPROVING

Reply to the heading before paragraph 27:

The Commission recognises the wide variety of policy arrangements which are mainly due to the complexity of the migration phenomenon.

Thanks to the Commission proposals, the set of external cooperation instruments has been considerably rationalized and streamlined over the successive Multiannual Financial Frameworks. The current mix of geographic and thematic instruments reflects overall a comprehensive and well-balanced approach enabling the EU to address the various challenges through an overall coherent and complementary set of financial instruments.

29. For the 2014-2020 period, the ENPI has been replaced by the European Neighbourhood Instrument (ENI). According to the Regulation No 232/2014, one of the six specific objectives of the ENI is to create *'conditions for the better organisation of legal migration and the fostering of well-managed mobility of people, for the implementation of existing or future agreements concluded in line with the Global Approach to Migration and Mobility, and for the promotion of people-to-people contacts, in particular in relation to cultural, educational, professional and sporting activities*'.

The ENI regulation foresees the inclusion of an annex with priorities for programming and broad financial allocations expressed per type of programme (bilateral, multi-country and cross-border cooperation), modifiable through a delegated act. As one of the main elements emerging from the negotiations, a new annex with broad priorities for the European Neighbourhood Policy region as a whole has been negotiated with the European Parliament and the Council as part of the ENI; these priorities will frame the subsequent programming process.

30. The financial instruments for external and development cooperation with third countries have been established to address challenges such as poverty, insecurity, democracy and governance, lacking economic opportunities, human rights etc.

In line with each legal act, detailed intervention sectors are defined in multi-annual and annual programmes and can include focal sectors such as education, health, environment, as well as security, home affairs and migration. In terms of geographical instruments, the choice of sectors for intervention is agreed with the partner countries in question during the programming phase.

As it is the case with all EU sector policies, the implementation of the external migration and asylum policy can be supported through funding available under the relevant EU external cooperation instruments, in line with the criteria and procedures defined within the legal bases of each respective financial instrument.

See also reply to paragraph 22.

31. While still respecting the objectives of each financial instrument, interventions under external action can contribute to implement EU policy in different thematic areas, such as for example climate change, security, education, agriculture or migration.

32. The Commission considers that in general projects were properly documented. In future, however, the Commission endeavours to document its projects' needs analyses in a more systematic way.

33. The Commission agrees that while Mobility Partnerships (MPs) have proved to be a sophisticated bilateral framework to address migration and asylum issues in a way that makes cooperation mutually beneficial, more work needs to be done to make sure that the MPs are being implemented in a balanced manner, i.e. better reflecting all four thematic priorities of the GAMM, including more actions with regard to legal migration, human rights and refugee protection.

The Commission regularly reminds Member States on the importance to also ensure a balance between the four thematic priorities of the GAMM at the level of implementation of the MP.

34. Most if not all Delegations already appointed focal points for migration issues since a number of years. Furthermore, DG HOME staff could only be deployed in a very limited number of priority Delegations (US, Russia, Geneva, Vienna, Turkey, China, India). In most cases these posts are shared with other Directorates-General and cover also other issues falling under DG HOME competence (and do thus not necessarily focus on migration).

As acknowledged by the recent European Agenda on Migration, there is a need to reinforce the expertise on migration in EU delegations. As a consequence, the Council has decided to strengthen the capacity of EU delegations in relation to addressing migration, and specifically to deploy European Migration Liaison Officers in priority delegations, with a particular focus on the Neighbourhood region.

35. The creation of thematic units in DG International Cooperation and Development several years ago, including one on migration, reflects the importance attached to enhancing thematic expertise throughout the organisation, including in Delegations.

An important part of the mandate of these thematic units involves thematic quality support to Headquarters and Delegation staff. The DG DEVCO unit in charge of migration and asylum has developed a number of tools to ensure that this support is provided in a coherent and efficient way. Orientation notes and guidelines, as well as thematic training modules have been elaborated for this purpose.

With increased attention to migration in EU external action, the Commission is considering the elaboration of an e-learning training module, to complement the face-to-face learning tools.

36. The Commission agrees that until the recent past, migration was not among the main priorities for many of the Neighbourhood countries, but the situation has considerably changed in recent times, as these countries are increasingly recognising the importance of migration and the need to engage with the EU.

In the case of Seahorse Mediterranean project, the Commission acknowledges the challenges to attract North African countries to become partners. While efforts are continuing, it should be noted that the instable situation occurring in the region since project conception has hampered the dialogue in this very sensitive area with these countries.

37. While acknowledging that there are more EU Member States than partner country users of the final product of the I-Map, the Commission considers that a number of aspects need to be taken into account.

Based on an expressed need within the Mediterranean Transit Migration dialogue, the objective of the project was to provide up-to-date information on migration flows for improved policy making.

The I-Map was one single and very targeted project, that together with other projects supported the effective functioning of the migration dialogue between Middle East / North Africa (MENA) countries and EU Member States. Not consolidated previously into one single system, the Commission considers that the migration information made available in a very practical manner improved the dialogue.

38. The Commission agrees on the critical importance of better defining our co-operation framework on migration and international protection via the setting up of operational objectives and clear and measurable outcomes and outputs with direct links between activities and results.

39. While acknowledging the lack so far of precise targets, reference values and indicators for monitoring the implementation of the GAMM at strategic level, the Commission considers that the objectives need to be defined broadly in order to flexibly accommodate different contexts, very diverse aspects and rapidly evolving challenges and needs in the migration area.

The Commission has launched again in 2015 a discussion with EU Member States at High Level Working Group level on the definition of appropriate indicators for the monitoring of the GAMM.

<u>Common reply to paragraphs 43 to 50:</u>

The Commission acknowledges that relevant criteria and smart indicators for migration remains a challenge, including at international donor and UN level, as demonstrated by the challenge to identify and agree on migration indicators in the post-2015 development framework.

This is linked to the complex and multifaceted dimensions of migration and asylum policy in general. The Commission acknowledges that there is a collective need to undertake a serious effort on this issue.

From DG DEVCO, the revision of the results framework which is planned to take place after the adoption in spring 2016 of the Sustainable Development Goals (SDG) indicators presents an opportunity to make progress also with respect to better measure results in the area of migration.

<u>Reply to the heading before paragraph 52:</u>

The Commission considers that the geographic and thematic priorities under the GAMM were clearly established, but accepts that the exact quantification of the EU spending related to these priorities was difficult to assess in the course of the audit.

53. The Common Relex Information System (CRIS) is a financial management tool which feeds into Commission accounting system ABAC and provides real time information on financial transactions for all EU external spending. CRIS was not specifically designed for reporting

purposes. The CRIS system is in the process of being phased out and replaced in large part by ABAC and complemented by a new system OPSYS.

The system uses OECD codes to characterise contracts by sector of activities. There is no current code for migration; however, the Commission is aware of the limitations stemming from the lack of a dedicated DAC code for migration and asylum funded development interventions. This is linked to the multifaceted and cross cutting nature of migration, which touches upon a number of different policies and sectors. The Commission will initiate a discussion with the OECD (and other relevant stakeholders) rapidly to identify best possible ways to capture migration expenditure by various development agencies.

54. The Commission acknowledges that the Excel table managed by DG DEVCO is a simple tool serving as a complement to the Commission's Common Relex Information System (CRIS) database. Given the non-existence of a migration DAC-code, it was considered a useful tool for reporting purposes.

55. The financial IT system is in the process of being phased out and replaced in large part by the Commission's accounting system. In the very short term is very unlikely that this type of aggregated data can be provided.

56. The financial IT system is in the process of being phased out and replaced in large part by ABAC. All financial information will migrate into ABAC. In the light of recent developments the Commission will initiate discussions with the OECD.

The Commission is however aware of the limitations stemming from the lack of a dedicated DAC code for migration- and asylum-funded development interventions. This is linked to the multifaceted and crosscutting nature of migration, which touches upon a number of different policies and sectors.

Box 4 — Examples of inappropriate coding of external migration spending

The Commission admits that the two projects referred to, the Seahorse and the Sahara Med projects, had been wrongly attributed with a DAC code, despite the fact that not 100% of the activities were considered as fulfilling the OECD DAC criteria. This has since been corrected.

The Commission notes that the Development Cooperation Instrument (DCI) regulation stipulates the following regarding OECD DAC criteria:

"*At least 90 % of the expenditure foreseen under thematic programmes shall be designed so as to fulfil the criteria for ODA established by the OECD/DAC….,"*

57. The DCI thematic programme was established with a global scope, intending to complement and not substitute the geographical instruments and programmes. During the period 2007-2013, two Strategy papers were adopted for the TPMA, the first covering 2007-2010 and the second covering 2011-2013. While the TPMA covers all geographical regions, these strategies defined a clear priority for spending under TPMA to the Southern Mediterranean, African and Eastern European regions, in line with the GAMM and with the Stockholm Programme. This prioritisation follows the notion of the migratory routes concept, including migration routes originating outside of the Neighbourhood region (Sub-saharan Africa) and transiting through the region.

60. The Commission agrees only partially to this statement since it should also take into account that this often also corresponds to the request of the partner countries, particularly in the Eastern Neighbourhood countries, and that spending on border management may in general be far more expensive than on other areas such as socio-economic projects tackling migrants integration.

The Commission considers that the focus on irregular migration spending referred to by the Court also reflects the priorities expressed by some partner countries.

It is a fact that expenditures related to these areas, in particular border management, are high, relating to the need for investment in border crossing points and communication and IT equipment.

It should be added that the EU is only one of the donors working in partnership with the countries, Member States and International Organisations.

62. The Commission notes that the legal act establishing the TPMA stipulates that the programme shall complement the geographic programmes. The allocation of resources to priority areas under the geographic programmes depends primarily on the partner countries and not only on the Commission.

64. The EU-UN Joint Migration and Development Initiative (JMDI) was launched as a first comprehensive migration programme which focused on the impact migration has on the development of partner countries.

It was considered as an important EU contribution to the migration and development agenda, following the inclusion of this dimension in the Global Approach to Migration and Mobility.

It was indeed designed to be a pilot programme, to test the migration and development nexus, which is why it covered many different countries in different regions.

The findings and lessons learned from this programme have been taken into account in its follow-up programme, which by contrast is more targeted to specific priority countries.

68. The Commission underlines that nine projects had well-defined objectives. In 12 cases, objectives only partially met the definition of well-defined objectives – often set in general terms – and in one case, objectives were not well-defined (see Box 5).

Box 5 — Example of results that were difficult to measure

The Commission partially agrees with the observation that results are not immediately tangible and measurable. However, the Commission considers that the project was generally successful, in particular in its ability to create a space for dialogue with counterparts used to years of stalled democratic reforms.

69. The Commission notes that the TPMA, like most other thematic and geographic external funding instruments, focus on capacity building of authorities and civil society in partner countries. Projects typically provide capacity building at legal, institutional and operational levels, through technical assistance and trainings. The Commission however agrees that improving capacities and reforming legal and institutional frameworks is - and should be - a medium to long-term objective, and results are not immediately noticeable.

70. The Commission partially acknowledges that not all objectives have been achieved in the sampled projects.

At the same time, it would like to reiterate that in a complex and constantly changing policy area like migration, the impact of external factors is considerable, and cannot be addressed solely through exemplary project preparation and planning.

However well planned and well anchored with partner countries, unpredictability in migration and refugee flows and political challenges will affect the outcome of the intervention during all stages of implementation. This situation is clearly demonstrated by the situation experienced in Libya.

Box 7 – Example of a partially effective project

The Seahorse Mediterranean Network project aims at contributing to the development of one of the regional networks meant to flank the EUROSUR system.

At the time of the signature of the contract, the situation in Tripoli was relatively stable and the extent of the subsequent deterioration of the security situation in Libya could not have been foreseen.

Algeria, Tunisia and Egypt representatives were regularly invited and they often actively participated in steering committee meetings of the project. No formal commitment has been made so far by any of these three countries.

Guardia Civil, supported by 5 Member States which are part of the consortium, is regularly in contact with potential third country partners in order to convince them to take part in the initiative.

The Court states that "acceptance of Libya went against the views of the Commission". However, due to its strategic position, it was acknowledged at a later stage that Libya was the most important partner for this initiative and therefore it was decided to include them.

72. Despite the exceptional current circumstances in Libya, the project is still ongoing, and is slowly achieving some results. The difficulties encountered during the implementation of the project are due to the insecure and instable situation in Libya, and the project was resumed in August 2015 and adapted to the new situation following the 2014 crisis.

The project now ends in April 2016 and it aims at responding to the most urgent needs of stranded and detained migrants in Libya in the detention/reception centres offering them assistance and voluntary return in full respect of human rights.

77. The Commission notes the Court's observation and observes that the evaluation report included separate positive aspects.

The conclusions of the evaluation were discussed extensively with UNDP on several occasions during the regular project interactions, and more specifically in a meeting organized on 10 October 2011. The report was also coordinated with all the partner agencies for their comments.

80. The EU-UN Joint Migration and Development Initiative (JMDI) was launched as a first comprehensive migration programme which focused on improving the development impact of migration in partner countries.

As a first pilot project in this area, it is considered as in important EU contribution to the migration and development agenda, following the inclusion of this dimension in the Global Approach to Migration and Mobility.

The findings and lessons learned from this programme have been taken into account in its follow-up programme, which by contrast is more targeted to specific priority countries.

81. The EU support in the migration area in Georgia has a broad range of beneficiaries and types of support at different governance levels. The added value of the JMDI scheme was to involve actors at a local level – this type of support can only reach a relatively small number of final beneficiaries. However, lessons learnt from such interventions can still be replicable elsewhere.

In the case of Algeria, although the impact was very limited, the programme allowed to put migration issues on the agenda and to set up a permanent inter-ministerial structure led by the Ministry of Foreign Affairs.

In the case of Morocco, it was useful to have among the migration portfolio an intervention which was very much grass-roots oriented. However, dissemination had to be achieved on the basis of varied results and impacts. Lessons have been duly learnt for phase II of JMDI where dissemination is currently addressed in a more structured manner.

Box 9 – Readmissions project in Georgia

As concerns the uncertainty over the continued operation of the career guidance and recruitment centres at the moment of the audit, the Commission underlines that the Georgian authorities have ensured the sustainability of the centres through allocations from the state budget (GEL 400,000 in the 2015 Budget, GEL 600,000 planned in the draft 2016 Budget).

The planned number of people to benefit from the job placement service turned out to be lower than expected due to an underestimation of self-sustainability of returning migrants.

As regards the provision of temporary accommodation, the Commission was prepared to address the needs of 180 persons, but the demand was lower due to the local context of strong social and family ties. Financial allocations were reduced accordingly.

As regards voluntary repatriation, the figure has increased to 167 foreign nationals resident in Georgia, as compared to 110 persons at the time of the audit.

86.

(a) The Commission agrees with the Court's observation and adds that readmission of its own nationals is an obligation under customary international law whereas readmission of third country nationals is not an obligation. It is part of migration, not security policy, as perceived by some partner countries.

Instead of a security concern, effective return and readmission policies are a fundamental element and a prerequisite for well-managed migration. Effective return of irregular migrants, who do not or no longer have the right to be in the EU, is also essential as a prevention measure against further irregular migration, as emphasised by the EU Action Plan on return (9 September 2015). Both return and readmission are an integral part of the GAMM and all following policy lines (e.g. EU Agenda on Migration). It is correct that visa facilitation agreements are possible and considered in parallel with EU readmission agreements and viewed within the context of the more-for-more principle.

Reply to the heading before paragraph 87:

The Commission underlines that successful implementation of human rights protection is often conditional to a number of external factors beyond its control.

87. Apart from being a formal cross cutting issue and addressed seriously in all EU external action interventions, human rights of migrants is given priority also in external action on migration.

Apart from ensuring that all interventions include human rights measures, many actions have had the rights of migrations as its overall objective. Examples include projects to assist and protect victims of human trafficking, rights of domestic migrant workers, assistance and protection of refugees etc.

88. With regard to Ukraine, the possibility of providing training on human rights standards was initially envisaged in READMIT and discussed with the Government. However it was agreed at that stage to drop it from this programme since it would have overlapped with several other projects implemented by International Organisations and CSOs such as (i) IOM (Cris Ref.:2011/282-850) Strengthening Migration Management and Cooperation on Readmission in Eastern Europe (MIGRECO), (ii) UNCHR (Cris Ref.: 2010/272-415, Project Title: Support to UNHCR activities in Eastern Europe in the context of EU Regional Protection Programmes (RPP II) – Phase II) or (iii) The Right to Protection NGO (Cris Ref.: 2012/334-088, Project Title: Advocacy and Government Capacity Building in Migration). In general, out of a total of 34 projects dealing with migration and asylum supported through EU funding since 2003, 18 were dealing at different levels with human rights issues.

89. The Commission was very active in convincing the Libyan authorities to sign a Memorandum of Understanding with UNHCR.

The Libyan authorities, in particular those who represented the Ghedaffi's regime were extremely reluctant for political reasons to accept UNHCR as main partner of the action.

Nevertheless, the Commission has always highlighted that the respect of human rights is an essential elements of the project.

91. The need for stronger coordination between EU institutions, including between Commission departments, has indeed received renewed attention under the Juncker Commission. A number of improved coordination mechanisms have been established and as tested during the recent migration and refugee crisis facing Europe, seems to be functioning well.

92. The Commission considers that internal coordination has already been considerably improved.

93. While the Commission acknowledges that there is still room for improvement it would like to stress that effective coordination mechanisms are fully in place as regards migration-related policies and programming.

As an example, coordination is ensured by DG HOME when preparing and adopting national programmes of Member States under the AMIF or ISF, as well as for the annual work programmes under centralised management. DGs DEVCO and NEAR apply the same procedure. In addition, formal consultation of EEAS and relevant Commission Directorates-General takes place during the Interservice consultations for the adoption of all funding programmes.

The EEAS leads or co-leads with the Commission the multiannual programming of most of the external financial instruments and thereby ensures a high degree of coordination across the various policy fields and across the geographical areas. The divergences among the requests of the beneficiary third countries could be also a reason explaining discrepancies (there is no one size fits all).

94. The Commission recognises indeed the usefulness of compiling mappings/overviews on migration-related funding for a given country or region, so as to facilitate coordination and ensure better complementarity between EU and other donors' funding. Funding overviews on migration-related spending by the EU and Member States notably exist for all Mobility Partnerships (MP) and CAMMs (so-called scoreboards) as well as for a number of regional processes. These overviews are established by Commission services in consultation with relevant coordination structures (MP local coordination platforms, GAMM experts meetings, etc.). They can obviously be only indicative and not set any obligations for the various donors or funding sources, as this would not be feasible under the current EU legal framework and not be compatible with regard to the procedures set up under the respective EU financial instruments.

97. The EEAS considers that the EEAS has played its role in embedding migration in the political dialogues with third countries, in particular neighbourhood countries, via the specific JLS/Migration and Social Affairs subcommittees with the relevant countries. Moreover, in view of the increased salient importance of migration in the EU's relations with third countries, the EEAS has been gradually building up thematic competence in this field and placing additional human resources on sectoral issues relevant for the external relations field, including migration. With the new Commission there is now a clearer impetus in linking further the internal with the external dimension of migration and enhancing policy coherence in the work of the EEAS and relevant Commission Directorates-General.

98. While acknowledging that coordination with EU delegations can and should be improved and that measures to that effect are undertaken, there are a number of reasons this is a challenge to

achieve. Apart from insufficient human resources in delegations (and in the Headquarters), limited expertise on migration in EU delegations results in similarly limited capacities to assess migration related needs and priorities in partner countries.

99. The Commission agrees that coordination with EU delegations is crucial and is making efforts to ensure this works in practice in the day-to-day management of projects.

The consolidation and validation of good practices from successfully implemented projects are available in individual project monitoring and evaluation reports and efforts to establish a system for consolidating and disseminate this information is being undertaken. In particular, the information on good practices is to be included in the guidance tools prepared by DEVCO.B3, and when finalized is to be accessible through a dedicated thematic migration website.

In addition, the thematic trainings carried out by DEVCO.B3 include sessions on lessons learned and best practices.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1

The Commission underlines that the reviewed European Neighbourhood Policy aims at setting out proposals in close partnership with our neighbours for a more coherent and impact-oriented cooperation framework on issues of common concern, including migration.

Similarly, the successor programme to the TPMA includes detailed objectives, results and indicators.

(a) The Commission believes there is room to better define strategic orientations on migration-related matters in the Neighbourhood through the identification of clear and measurable objectives and coherent, concrete deliverables, which will be at the core of new co-operation frameworks with Neighbourhood and enlargement countries.

(b) The Commission partially agrees with this conclusion with regard to the coherence between different levels of monitoring and evaluation mechanisms. With regard to both the ENPI and the TPMA, most migration projects include detailed monitoring and evaluation arrangements, as well as fully-fledged logical frameworks. However, the Commission believes there is room to better defining our co-operation framework on migration in the Neighbourhood via the setting up of strategic objectives and clear and measurable outcomes and outputs with direct links between activities and results.

(e) The Commission partially agrees to this statement, in particular for what concerns the geographical diversity.

Cooperation with our neighbours, in particular with regard to migration and international protection issues, needs to adjust to the diverse level of engagement and policies' development of partners and take into account the diverse sensitivities, expectations and constraints of partners in these issues. Also in light of the protracted crisis occurring in the Neighbourhood, differentiation and flexibility mechanisms need to be ensured.

However, with regard to the ENI, the Commission, to make the most of ENI resources, intended to differentiate between partners according to the programming criteria defined in the ENI and strictly implement the incentive based approach.

As mentioned, the needs of the partners differ from country to country and from region to region. Following the recommendations of the Agenda for Change and the differentiated approach stated in the new ENI, EU cooperation with the Neighbourhood focuses on three priority sectors in each case. They were identified through a comprehensive consultation process with governments, local

authorities, civil society organisations, EU Member States, international financial institutions, and international organisations.

Recommendation 1

The Commission partially accepts the recommendation in particular for what concerns the need to improve performance measurement frameworks. The Commission agrees on the critical importance of better defining its strategic co-operation framework on migration and international protection via the setting up of operational objectives and clear and measurable outcomes and outputs with direct links between activities and results.

However, since the needs and hence the assistance for each country are different, the Commission underlines the difficulty to define a common set of comparable indicators that would remain constant over time and the need for more flexibility while defining target priorities. Tailor-made monitoring and evaluation tools are being developed to allow the measurement of achievements and progress, representing a key element towards the delivery of more concrete and efficient co-operation frameworks on migration.

The reviewed European Neighbourhood Policy (ENP) aims specifically at setting out proposals in close partnership with the neighbours for more coherent and impact-oriented cooperation frameworks on issues of common concern, including migration.

The present situation is unstable and it is necessary to distinguish between urgent actions and more systemic programs. It will not always be possible to work on the basis of quantified target priorities.

In the reviewed ENP the Commission will seek to build reinforced partnerships with a clearer focus and more tailored cooperation. Experience suggests that the ENP will be most effective when the agenda of the EU and its partners is truly shared. Therefore, the review will clarify what are the interests of the EU and each partner and those areas of strongest common interest (including migration and mobility). The review is an opportunity to establish a firm understanding between the EU and its partners of those areas of strong common interest, which will constitute the basis for a stronger partnership and targeted financial support. However, flexibility will remain a key principle in the implementation of funding from the ENI to ensure that the EU is better able to respond more flexibly through its financial cooperation to rapidly changing developments and needs in the region.

Recommendation 2

The Commission accepts this recommendation.

As correctly pointed out the DAC codes are defined by the OECD. In the light of recent developments the Commission will initiate discussions with the OECD.

In addition, the Commission will analyse the feasibility of complementing the OECD DAC coding system.

Conclusion 2

(a) See Commission replies to paragraphs 68 and box 5.

(b) Migration and Development is about maximising the positive relationship which exists between migration and development, with the objective to harness the development potential of migration, for the benefit of both societies and migrants and to contribute to sustainable development and poverty reduction. While the exact nature of the link between migration and development in different contexts might need to be further evidence-based, migration is increasingly recognised as a powerful vehicle for boosting development both in countries of origin and countries of destination. The fact that migration is now included as a development enabler in the 2030 Sustainable Development Agenda proves the progress made in this field in recent years.

(c) The Commission agrees that the support for return and readmission did so far not always have the expected results. However, effective return and readmission policies are a prerequisite for well-managed migration, and are an integral part of the GAMM.

The Commission agrees with the Court's observation and adds that readmission of its own nationals is an obligation under customary international law. It is part of migration, not security policy, as perceived by some partner countries.

(d) The Commission partially agrees with this conclusion.

With regard to human rights, the Commission acknowledges that there is room to improve its performance in identifying more concrete mitigation measures, for instance by reinforcing humanitarian diplomacy and national referral systems.

However, in 2014 the Commission engaged in an action to design and develop a toolbox to ensure that most new projects embed a Right Based Approach (RBA) during all phases of the intervention.

The implementation of a RBA is founded on the universality and indivisibility of human rights and on the principles of inclusion and participation in the decision-making process, non-discrimination, equality and equity, transparency and accountability. These principles are central to the EU development cooperation, ensuring the empowerment of the poorest and most vulnerable, in particular of women and minors.

Recommendation 3

The Commission accepts this recommendation and its implementation is already on-going as follows:

The Commission already makes use of the whole range of instruments foreseen in the project management cycle. While acknowledging there is room to further improve our performance in defining the intervention logic of each action, most projects already include fully-fledged logical frameworks including results' indicators.

Recommendation 4

The Commission accepts this recommendation**.**

There is an increasing body of evidence underlining the positive impact of migration on development (both of countries of origin and destination, and of the migrants themselves). However, giving the changing and increasing migration trends, it is necessary to continue acquiring reliable migration data in order to inform the programmes. The Commission is investing in the further consolidation of this evidence, as a basis for designing future response strategies and projects.

Conclusion 3

The Commission considers that following considerable efforts, effective coordination mechanisms have already been put in place in the migration area. Given the complexity of the issue, the division of competences and the number of stakeholders involved, the scope for further rationalisation of the governance arrangements in the migration area is very limited.

Recommendation 5

The Commission partially accepts the recommendation. The Commission considers that, taking also into account the budgetary constraints, significant efforts to improve the capacities of EU Delegations have already been undertaken (see also Commission replies to paragraphs 34, 98 and 99).

The Commission has already developed funding overviews on donor spending in the migration area to support various bilateral and regional frameworks (such as the Mobility Partnership scoreboards).

The Commission considers that the development of a single and comprehensive funding overview on all migration-related spending would be impractical to achieve.