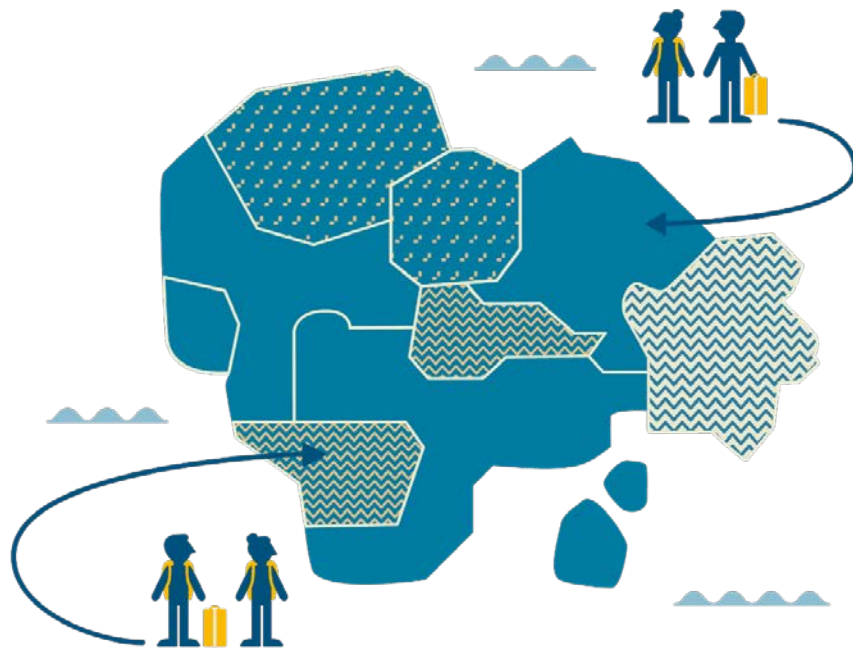


Interreg response to migration challenges

July 2017

Q&A on Interreg response to migration challenges



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Introduction

This document includes the follow-up questions to the workshops organised in the framework of the Interact Capitalisation Network “**Interreg response to migration-related challenges**” held on 5 July 2016 (Vienna, Austria) and on 1 February 2017 (Brussels, Belgium).

the Interact Capitalisation Network “**Interreg response to migration-related challenges**” is dedicated to Interreg, Interreg-IPA CBC and ENI CBC programmes working on migration-related challenges.

This network focuses on making available relevant data to the programmes interested in this subject, spreading knowledge about the current experiences and practices of programmes, facilitating exchange and peer learning about programmes’ migration-related measures and projects, aiming to support the adoption of possible Interreg actions in this respect.

This Q&A addresses the following topics:

- Embedding migration actions within Interreg programmes, according to the current Cohesion Policy’s regulatory framework,
- Financial implication related to the eligibility and management of migration actions in the framework of Interreg programmes and projects,
- Communicating on migration issues.

1. Migration and the regulatory framework



1.1. What is the minimum time needed for modifying a cooperation programme (CP) in order to tackle migration-related challenges?

The regulatory deadline for adopting a CP amendment is three months. This period is extended only when the European Commission (EC) adopts observations, in which case the time needed for CP authorities to address the issues identified in the observations will be added to this three-month period.

If thorough upstream work prior to the official submission of a CP amendment is done jointly with the EC services, it is likely that the whole process can be finalised quickly. However, the EC cannot assess how long it would take for the CP authorities to revise the CP and do all the preparatory work prior to the official submission. On the other hand, the expenditure that becomes eligible as a result of the CP amendment will be eligible as of the date of the official CP submission to the EC.

1.2. What is the current EC work and plans towards the Member States (MS) regarding the use of ERDF in order to implement specific migration-related measures (calls, studies, conferences, seminars, projects, etc.)?

In the scope of integration of migrants and refugees, ERDF measures support this integration in the context of thematic objectives on employment, social inclusion and education. Actions may cover investments in social, health, education, housing and childcare infrastructure, regeneration of deprived urban areas, actions to reduce spatial

and educational isolation of migrants, business start-ups and others. Financial support for emergency measures, such as reception centres, mobile hospitals, tents, containers, etc. primarily fall under the scope of the Asylum, Migration and Integration Fund (AMIF) programmes. Also in exceptional circumstances and on a case-by-case basis - emergency measures in the field of the reception system of migrants and asylum seekers (such as building or extending reception centres, shelters or actions to reinforce the capacities of the reception services, infrastructural development in hotspots, mobile hospitals as well as sanitation and water supply).

However, in the context of the Interreg programmes, any project has to respect the cooperation character of operations as set out in Article 12 of the ETC Regulation (involve beneficiaries from at least two participating countries; joint development, implementation and staffing or financing).

The second call of the Urban Innovative Actions was closed in 2017. A number of project applications have addressed the priority area "integration of migrants and refugees". These are in the process of review. Moreover, under the framework of the Urban Agenda for the EU <https://ec.europa.eu/futurium/en/inclusion-of-migrants-and-refugees>, the Partnership on the Inclusion of Migrants and Refugees is working on an Action Plan to improve urban policy in the European Union. In July 2017, a public consultation will be launched where all relevant stakeholders are encouraged to participate.

1.3. Does the EC plan to make the migration topic compulsory for all the Interreg programmes 2014-2020? If it remains optional, would there be any firm encouragement from the EC to take the migration-related issues into account (e.g. a formal letter from Commissioner, Director-General or Director?)

A wide range of actions tackling migration challenges is already possible under the current legislative framework. Many MS have already programmed specific migration-related measures, mostly under the Investment for Growth and Jobs (IfGJ) objective, under thematic objectives 8 (employment and labour mobility), 9 (social inclusion), 10 (education and training) and 11 (institutional capacity building).

For the time being there are no plans to make the migration topic compulsory for the Interreg programmes. However, strong encouragement has been given to all the Member States at the highest political level as well as directly to all the Interreg programmes (please see the letters below).

Letter from Commissioner Cretu to all the MS (21 October 2015) – [Annex I](#)

Letter from Lena Andersson Pench to the Interreg Programmes (23 May 2016) – [Annex II](#)

As communicated in those above mentioned letters, the EC services are ready to support any MS willing to modify a programme to better support the integration of migrants.

In its proposal COM(2016) 605 of 14 September 2016 the EC proposed explicitly that "[w]ith a view to responding to the challenges posed by increasing flows of migrants and refugees, the objectives to which the ERDF may contribute in its support of migrants and refugees should be spelled out" (Recital 172).

It is therefore proposed to add the following "The priorities established for each of the European Structural and Investment (ESI) Funds in the Fund specific rules shall in particular cover the appropriate use of each Fund in the areas of migration and asylum" into Article 9 CPR.

Finally, in Article 5(9) of the ERDF Regulation, a new point (e) is proposed to be added: "(e) supporting the reception and social and economic integration of migrants and refugees", complemented by two new indicators in the Annex to that Regulation: "Rehabilitated housing, of which for migrants and refugees (not including reception centres)" and "Capacity of infrastructure supporting migrants and refugees (other than housing)".

1.4. Will the new programming period include migration-related issues?

No decisions have been taken about the next programming period.

2. Diving into the financing issue of migration



2.1. Could advance payments (initial and annual) to the programmes (see Article 134 CPR) be used to give advance payments to specific beneficiaries such as NGOs/small partners (low financial capacity prevents them from participating in the projects run on a cost reimbursement basis) or international organisations (some of them might have limited eligibility in Interreg programmes)

It is understood that 'advance payment' means an advance paid by the programme authorities to beneficiaries after the grant agreement is signed but before expenditure could be certified (NB: advance payment cannot be certified to the EC, only the expenditure incurred by beneficiaries can).

In accordance with Article 81(2) CPR initial pre-financing should be made available without delay to the body making payments to beneficiaries.

In case of private beneficiaries (such as NGOs) the Managing Authority could request a bank guarantee; its cost is eligible (see point (m) of Article 6 of Delegated Regulation (EU) No 481/2014: "the provision of guarantees by a bank or other financial institution where required by Union or national law or in a programming document adopted by the monitoring committee").

Articles 81 and 132(1) CPR (see also Recital 70) strongly encourages to transfer payments received from the EC to beneficiaries in the form of advance payments. Some Interreg programmes are successfully helping their beneficiaries via advance payments, ex.: ADRION, ATLANTIC AREA, MED (for IPA component only), NORTH-WEST EUROPE, SUDOE.

As far as international organisations are concerned, it's important to bear in mind that any operation selected must comply with the requirements of a "cooperation" project (see Article 12 of the ETC Regulation) and a clear added value for the cooperation in the project must be demonstrated as well. Moreover, if an international organisation is not an eligible partner for a programme, then it will not be eligible for advance payments.

2.2. What are the main elements to consider in order to set-up a secure advance payment system?

Please find attached a summary of advance payment systems successfully used by some Interreg transnational programmes, see [Annex III](#). For more information, you can contact these programmes directly (contact persons are indicated in the text).

2.3. According to the current legal framework and experience of some programmes, small amounts can be granted without complying with the public procurement obligations and/or First Level Control (FLC). This would support the involvement of small/specialised organisations: is this possible? If so, how should the management and control system be set up?

FLC checks are always needed and mandatory (management and control verifications). They are undertaken by the programme authorities on the entire pool of operations financed by the ERDF. There is no exception depending on the amount but there may be a difference in the method of treatment in the function of whether real costs accounting is applied or simplified cost options (SCO).

If the call launched also allows for the use of SCO, it is possible to account certain or all costs based on the use of lump sums, standard scales of unit cost and flat rates. Some of these are readily available at a set rate in the legal acts, some require further developing of reliable methodologies based on historical, statistical or other objective criteria.

Public procurement must be in line with the relevant legal framework and the EU Directives. Public procurement obligations apply to contracts concluded by public authorities above a certain threshold set both at the EU and national levels (they can differ between MS). Below the threshold there is indeed no requirement to conduct public procurement but there might be other obligations at the national level, which ensure some competition.

Small specialised organisations/NGOs could get direct grants/contracts only in case their direct and exclusive competence in the field is demonstrated. In other cases, they have to be selected following a call for proposals.

2.4. Could EC provide interpretation and guidance on possible and eligible activities under thematic objective 8, according to the current amendment proposal of CPR (omnibus regulation) regarding migration issues?

The amendment proposal of the CPR does not radically change the scope of the eligible measures under ERDF. It will reinforce the possible support, both on integration and reception of migrants and refugees under thematic objective 9. Measures and activities supported under thematic objective 8 are not impacted by the CPR proposal. To support relevant stakeholders, a toolkit on the use of EU funds for the integration of third country nationals will be developed by the end of 2017. This toolkit will refer to all EU funds, in particular the synergies between them.

2.5. Could a specific budget line related to 'migration actions' be set up?

Delegated Regulation (EU) No 481/2014 sets out specific provisions with regard to the categories listed in Article 18(1) of the ETC Regulation. In accordance with Article 18(2) of the ETC Regulation Member States may establish additional rules including budget lines (as some did for infrastructure investment). However, it is not clear why the different expenditure for "migration actions" would not fit under the categories covered by DA 481/2014 or "infrastructure investment".

2.6. What is the updated position of the EC related to the use of final de-committed funds for 2007-2013 period?

De-committed ERDF is definitively lost for the programme. National co-funding, if still available, could be used according to the specific set-up and authorisation of each participating country.

2.7. How can Interreg programmes, ruled by the ERDF legal framework, embed the use of funds/grants mechanisms as in the case of EFTA grants?

We understand that "EFTA grants" mean EEA/Norway (NO) Grants <http://eeagrants.org/What-we-do/EEA-and-Norway-Grants-2014-2021> and Switzerland's contribution to the enlarged EU <https://www.eda.admin.ch/erweiterungsbeitrag/en/home/the-swiss-contribution.html> (here, for the time being, all the funds have already been committed).

Given that these instruments have their own legal and implementation framework, embedding them in the ERDF-funded programmes would require a political agreement and a totally new management system. However, in the Partnership Agreements of the 15 beneficiary countries a closer co-operation between different funds and programmes, incl. EEA/NO grants, has been strongly encouraged.

Already now it is possible to finance operations which combine funding from different sources. There are of course some conditions to which due attention should be paid:

- to avoid any overlap and double funding,
- detailed rules applicable to the different sources of funding need to be examined beforehand,
- and specific administrative arrangements should be in place before the operation starts.

For further details see Article 65(11) CPR.

Priority sectors and programme areas for EEA and Norway Grants 2014-2021

Innovation, Research, Education and Competitiveness

1. Business Development, Innovation and SMEs
2. Research
3. Education, Scholarships, Apprenticeships, and Youth Entrepreneurship
4. Work-life Balance
5. Social Dialogue – Decent Work (only Norway Grants)

Social Inclusion, Youth Employment and Poverty Reduction

6. European Public Health Challenges
7. Roma Inclusion and Empowerment
8. Children and Youth at Risk
9. Youth Participation in the Labour Market
10. Local Development and Poverty Reduction

Environment, Energy, Climate Change and Low Carbon Economy

11. Environment and Ecosystems
12. Renewable Energy, Energy Efficiency, Energy Security
13. Climate Change Mitigation and Adaptation

Culture, Civil Society, Good Governance, and Fundamental Rights and Freedoms

14. Cultural Entrepreneurship, Cultural Heritage and Cultural Cooperation
15. Civil Society
16. Good Governance, Accountable Institutions, Transparency
17. Human Rights – National Implementation

Justice and Home Affairs

18. Asylum and Migration
19. Correctional Services and Pre-trial Detention
20. International Police Cooperation and Combatting Crime
21. Effectiveness and Efficiency of the Judicial System, strengthening Rule of Law
22. Domestic and Gender-based Violence
23. Disaster Prevention and Preparedness

For more information on each beneficiary country please have a look at <http://eeagrants.org/Where-we-work>.

2.8. Could reception facilities be financed under Interreg Programmes?

Co-financing of reception facilities is possible under ERDF eligibility rules, especially for housing infrastructure. Special attention must be paid in case of change of the functions of buildings for reception purposes and in order to ensure the sustainability and durability of the investment, according to Article 71 CPR. In this case a broad formulation of the objective of the operation should be found.

The proposed two new indicators ("Rehabilitated housing, of which for migrants and refugees (not including reception centres)" and "Capacity of infrastructure supporting migrants and refugees (other than housing)" could serve as guidance of what should be specified.

Where programmes had invested in housing infrastructure, this could also be used for the housing of migrants and refugees, even on a temporary basis.

Where programmes had invested in social infrastructure, this could be broad enough to also cover infrastructure supporting migrants and refugees (including reception centres).

However, using housing infrastructure now as reception centres (and vice-versa) may most probably not be in accordance with Article 71 CPR.

When approving new investments, the description should be broad enough to cover both housing and, on a temporary basis, reception centres and other infrastructure supporting migrants and refugees.

3. Migration and communication



3.1. What are the EC communication actions related to migration and aiming at getting MS support in this field (e.g.: specific communication campaign related to on-going projects and actions financed by ERDF programmes)?

The Interreg programmes are implemented under shared management. This means that the initiative for including actions in response to migration challenges needs to come from the MS even if the EC services indicate certain areas as highly prioritised on the EU agenda. MS are also responsible for communication on the implementation of their programmes funded by the ESI Funds.

In the decision to allocate additional funds to Member States as a result of the technical adjustment (COM(2016) 311) the EC highlighted measures to help tackle the migration crisis as one of the areas where the additional funds could be allocated.

An EU level general communication campaign on migration is not planned for the time being. However, the EC will launch, as part of its corporate campaign (#InvestEU, #EUempowers and #EUprotects), actions to promote EU funded projects in favour of inclusive growth, including the integration of migrants.

Under the 'EU empowers' campaign, DG REGIO is proposing together with DG HOME, DG JUST and Joint Research Centre (JRC), a specific communication theme '*EU empowers regions to integrate migrants*'. This action will be launched in the 4th quarter of 2017, if accepted.

The 'EU protects' campaign will start in 2018, it includes also communication actions on migration.

Examples of projects financed by ERDF programmes on migration can be found on the InfoRegio's project database (http://ec.europa.eu/regional_policy/en/projects).

Annex I - Letter from Commissioner Cretu to all the MS (21 October 2015)



Ref. Ares(2015)4490059 - 22/10/2015

Corina CREȚU
Member of the European Commission
B-1049 Brussels

Brussels, 21 October 2015
Ares(2015)

Dear Minister,

I am writing you to inform about the role Cohesion Policy can play in the integration of migrants and refugees. Structural Funds can indeed do a lot to help Member States to address both short-term needs and the longer term ones linked to the integration in our societies of migrants and refugees.

As you know, the European Commission has been consistently and continuously working for a coordinated European response on the refugees and migration front and, in this respect, on September 23rd, President Juncker presented to the Heads of State and Government concrete operational measures.

Concerning our policy, the European Regional Development Fund, for example, can co-finance a wide range of activities from first accommodation, mobile hospitals, sanitation, and water-supply to the provision of social, health, education, housing and childcare infrastructure; from actions to reduce spatial and educational isolation of migrants to support for business start-ups. The effectiveness of these investments largely depends on their coordination with social integration and labour market measures co-financed by the European Social Fund.

*Mr. Werner Faymann,
Federal Chancellor
Austria*

Annex II - Letter from Lena Andersson Pench to the Interreg Programmes (23 May 2016)



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL AND URBAN POLICY
Territorial Co-operation, Macro-regions and North-West Europe
Director

Ref. Ares(2016)2378992 - 23/05/2016

Brussels,

Subject: Supporting the integration of refugees and migrants through Interreg

Dear colleagues,

The refugee crisis is one of the biggest challenges facing the Union today, and the European Commission has for months been working on a coordinated European response to address the emergency of this crisis from both a short-, medium- and long-term perspective.

On 21 October last year the Commissioner for Regional Policy, Ms Corina CREȚU, sent out a letter to all the Ministers responsible for Structural Funds, highlighting the role Cohesion Policy can play in the integration of migrants and refugees. The role of Interreg in this process was further highlighted in the General Affairs Council conclusions from 18 November 2015, where it was specified that Interreg programmes may help respond to migration related challenges within the framework of existing programme priorities and agreed intervention logic.

With this letter I would therefore like to invite you to consider different measures that can be taken in your programmes, in order to further support the integration of refugees and migrants in your communities.

The European Regional Development Fund can finance a wide variety of actions, for example by reducing spatial and educational isolation of migrants, as well as supporting entrepreneurship and exchanges between local and regional administrations. Depending on the thematic objectives chosen in your programme, a lot can be achieved - especially if the intervention logic contains the thematic objectives 8 (employment and labour mobility), 9 (social inclusion), 10 (education and training) or 11 (institutional capacity).

Some programmes worked on integration measures already during the previous programming period and can provide inspiration for future projects. Firstly, within Interreg IV A, the AIMER-project in the 2 Seas programme (FR-UK-BE-NL) created a model approach to assist local cross-border areas in the integration of ethnic minorities. The project tackled the challenges facing local authorities and community associations for example through offering language- and IT-courses, helping with the recognition of overseas qualifications, creating community organisations and cross-border exchanges, as well as elaborating a ['welcome pack'](#) in several languages.

Managing Authorities of the INTERREG V Programmes

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Directorate General for Regional and Urban Policy; Avenue de Beaulieu 1; 1180- Auderghem, Belgium; http://ec.europa.eu/regional_policy/

Another example can be found within the URBACT programme, where the project [OPENCities](#) brought ten partner cities across Europe together in formulating recommendations to promote openness for effective leadership and governance, in order to strengthen internationalisation and build a joint approach to managing integration and inclusion.

These are just a few examples of Interreg having provided a response to an issue that is cross-border in its very nature. You can find more examples provided in an annex to this letter.

However, apart from supporting project applications when they actually come in, you can also actively promote more applications earlier on in the process. We encourage you to consider the possibilities to target calls or to simply add an explanation on ways to support integration-related measures within your programme. As an example of the latter, Interreg IV Å Öresund-Kattegat-Skagerrak (SE-DK-NO) inserted a shorter description in the last call for projects, describing what potential actions relating to integration could be supported within the current framework. Hence, there are relatively easy, but clear measures that can be taken, should programme partners want to pursue similar action.

Furthermore, as communicated by Commissioner CREȚU in the above-mentioned note, Commission services are ready to support any Member State willing to adjust cohesion programmes to the new circumstances. When this letter was sent, many programmes were in the final stage of the programming process and had no possibility to consider re-programming, in order to not miss the deadline. I therefore wish to reiterate this statement: we are ready to assist should you want to adjust your programmes to better support the integration of refugees and migrants.

Finally, if you have taken action in this area and are willing to raise the awareness of others, we invite you to contact us. We may promote your actions as good practice examples through our various communication channels.

In short, we can achieve a lot if we work together. Much can be done within Interreg to address the needs related to the integration of refugees and migrants in our societies. With this letter, I wanted to draw your attention to existing ways and concrete examples, but it is now up to programme partners to decide on how best to address common issues, based on the specificities of their programme area.

Yours sincerely,

Lena Andersson Pench

Annex: Examples of Interreg IV-projects having supported integration measures.

Annex III - Summary of advance payment systems successfully used by some Interreg transnational programmes

Advance payments to the project partners

ADRION - Advance payment is offered to applicants of the 1st call for proposals and of the strategic project; it is automatically foreseen; partners do not have to apply for. For more information please contact: Adrion@Regione.Emilia-Romagna.it

ATLANTIC AREA - A mechanism of advance payments for projects partners will be implemented once the project is approved. The pre-financing payment may amount to up to **5% of the approved ERDF budget of the project and will be recovered in the first payment claims of partners concerned**. The allocation of 5% ERDF advance shall be agreed and laid down in the partnership agreement.

For more information please contact: js@atlanticarea.eu; sandra.silva@atlanticarea.eu

MED - Not for ERDF partners, but for partners using IPA funds (10% of the total amount of co-financing); the advance is not automatic, the IPA partners wishing to use this option have to request it.

For more information please contact: trichard@regionpaca.fr

NORTH-WEST EUROPE - The organisation requesting must be a micro-NGO or a micro-enterprise ie. an organisation employing fewer than 10 persons and which and which annual turnover and/or annual balance sheet total does not exceed EUR 2 million.

For more information please contact: ruut@nweurope.eu

SUDOE - All the information is available in the Programme Guide in the [factsheet](#) n°10. For the pre-financing, the Programme offers this possibility since the 2000-2006 period and we never had any problem that why we still go on as it is very appreciated by the beneficiaries.

3.3 The ERDF advance-payment

Depending on the financial availability of the Certification Authority, the Managing Authority may propose to the Certification Authority the payment of part of the ERDF to the project which is a creditor according to the expenditure declared by the Managing Authority. This payment shall be considered as an "ERDF Advance Payment". The amount involved is variable, as it depends on the volume of existing project certificates. The compensation of this advance will be realized in the intermediate payment or payment of the final balance that will give rise to the own advance.

We also give pre-financing to the approved projects. 35 of the 36 approved projects of the first call have applied for it.

It consists of a pre-financing payment from ERDF programmed budget at the level of the beneficiary which may be requested by the project's Lead Beneficiary once the ERDF Grant Agreement has been signed with the Managing Authority. Therefore, it does not have any expenses associated with it and is paid prior to the presentation of the expense statements. The main features of pre-financing are as follows:

- A. At each call for proposals, the Steering Committee will decide whether projects can choose to receive the ERDF according to the concept of pre-financing.
- B. There will be no need for a fair distribution for each beneficiary. The Partnership will be free to apply for this amount on the basis of an agreement it deems appropriate, with the sole requirement that no beneficiary receives more than 20% of its ERDF programmed as pre-financing.
- C. The amount received in the form of pre-financing shall be offset by the first declared expenditure of each beneficiary receiving it, in particular by the first intermediate payment from the ERDF (or successive payments, if not sufficient for the first).
- D. The Lead Beneficiary of the project will be responsible for submitting the pre-financing request through the corresponding task through eSudoe. This request must be made within 60 calendar days from the date of signature of the FEDER Grant Agreement. The request will be formalized under the first project implementation report, which should be completed directly in eSudoe.

For more information please contact: isabelle.roger@interreg-sudoe.eu