



Mission for the  
Management of Community Funds



European Union

## **ANNUAL PROGRAMME 2010**

MEMBER STATE: **PORTUGAL**

FUND: **European Return Fund**

RESPONSIBLE AUTHORITY: **European Union Funds Management Task Group at the  
MHA**

(Estrutura de Missão para a Gestão dos Fundos Comunitários)

YEAR COVERED: **2010**



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## **1. GENERAL RULES FOR THE SELECTION OF PROJECTS TO BE FINANCED UNDER THE PROGRAMME**

The Responsible Authority (RA) is a totally independent structure specifically established by Government instrument – signed by the Prime Minister – to provide technical, administrative and financial management for the General Programme on Solidarity and Management of Migration Flows.

In accordance with the legal instrument which establishes it and defines its functions, the RA is completely prohibited from acting as a beneficiary of Community co financing or as an executing body for projects, and may not do so even as part of a partnership or association.

The head of the RA is therefore, in accordance with the aforementioned legal instrument, personally and nominally accountable to the Government for the professional, impartial, independent and transparent character of all acts of management during the implementation of the entire General Programme on Solidarity and Management of Migration Flows.

This model – used by Portugal as a standard for the management of structural funds for the past twenty years, as well as in the ERF I and II – therefore ensures a complete separation of functions, thus putting the RA in a position of total independence, whether in relation to potential beneficiaries of financing or in relation to the Certifying Authority<sup>1</sup> (CA) and the Auditing Authority<sup>2</sup> (AA), which likewise enjoy full administrative, technical and financial autonomy.

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<sup>1</sup> Foreign Nationals and Borders Service, as at the present date.

<sup>2</sup> Inspectorate-General of Finance.



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Consequently, even in hypothetical situations where the open competition (to which all calls for applications are subject) may, depending on the particular area of activity concerned, give rise to only one potential beneficiary – and even though that beneficiary may be a government body – the institutional and legal nature of the RA, its independent status and the independence with which it is required to perform its exclusive management functions will ensure a complete separation of functions, thus guaranteeing the impartiality and transparency of all acts connected with the analysis, selection, monitoring and evaluation of projects.

This model is supplemented by the appointment of two bodies with full technical, administrative and financial autonomy, the CA and the AA.

In the case of the CA, the separation of functions is further reinforced by the fact that the team responsible for certifying expenditure under the Funds of the General Programme has no involvement in matters relating to the implementation, if any, of projects, as was the case, moreover, under the ERF II.

The AA, which is part of the Ministry of Finance and therefore occupies a position of complete independence in relation to all potential beneficiaries, is the body responsible, at national level, for auditing all Community financing, which fact alone attests to its competence and impartiality in exercising the functions in question.

The RA is also part of a Mixed Committee, an advisory body made up of representatives of those members of the Government with competence in the area in which the Fund is active which becomes involved either at the stage of drafting the programming under the Fund or at the stage of approving projects.

The general rules for selection of projects to be financed under the Annual Programme are consistent with those laid down in the specimen description of the management and control system for the four Funds that make up the Framework Programme on Solidarity and Management of Migration Flows, which was sent to the European Commission at the appropriate time.



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The RA organises all the procedures for the selection and award of co-financing by the Fund, in accordance with the principles of transparency, equal treatment and non-duplication of support.

The rules are contained in the national legislation relating specifically to the Fund – *Portaria* No 98/2008, of January 31<sup>st</sup>, 2008 and *Portaria* No 913/2010, of September 16<sup>th</sup>, 2010 – and can also be found in the manual of procedures for the Fund as well as on the RA's own website (<http://fundoscomunitarios.mai.gov.info/>).

The process for the selection of projects laid down in those documents is as follows:

- Announcement – Applications are made to the RA following the publication of an announcement in a newspaper with wide national coverage and on the RA's own website. The announcement will contain, either directly or by reference to a web page which it will specify, all information relevant for this purpose, in particular the Fund objectives which the applications must meet, the eligible beneficiaries, the temporary eligibility period for the Annual Programme during which projects must be implemented, the selection criteria and the value of the financial appropriation available.

General selection criteria:

- Degree of consistency with the national situation and national requirements;
- Relevance, appropriateness and consistency of the objectives and activities of the project in relation to the Annual Programme;
- Fitness of the profile of the body applying for financing, proven experience and track record;
- Cost effectiveness of the anticipated expenditure;
- Degree of complementarity with other publicly-financed projects.

The minimum criteria laid down in Article 15(5) of the basic act establishing the Fund will also be observed.



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Expected timing of the opening of the call for proposals – The call for proposals was launched in the last quarter of 2010.

Submission of applications – Applications are submitted by electronic form, so as to provide the information necessary for the approval decision and the subsequent monitoring, control and evaluation processes. A table of indicators of implementation and results is annexed to the form so that the body applying for funding can select the indicators most appropriate to the proposed project. This will make it possible to assess the project's contribution to the objectives of the Programme.

- Admissibility of the application – This involves a formal analysis of the application to verify compliance with the general conditions governing the eligibility of the applicant and of the project.
- Analysis of the application and technical opinion – Analysis of the application will be based on the forms themselves and will include assessment against the selection criteria and an examination of the eligibility of the expenditure proposed and whether it is reasonable for the purposes of achieving the objectives of the application.
- Opinion of the Mixed Committee – Following analysis, applications are ranked in accordance with the rating arrived at after their assessment against the selection criteria and on the basis of the funds available, and submitted to the Mixed Committee for its opinion. Once this opinion has been obtained, a decision can be made.
- Decision – Instrument validating approval of the application for financing.
- Financing contract – The financing decision is formalised by a written contract concluded between the RA and the body applying for financing. The contract expresses the undertaking to implement the project in the exact terms set out in the instrument approving the financing, the outline of the cost structure for the project forming an integral part of that contract.



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The procedures for the conclusion of contracts will be in conformity with the provisions of Article 11 of the rules governing implementation of the Fund and will ensure compatibility between the national and Community rules applicable to public procurement.

A call for proposals was launched on October 18<sup>th</sup>, 2010 and the deadline to submit proposals for projects was October 29<sup>th</sup>, 2010. In response to this call for proposals, 2 project applications were submitted by 2 potential beneficiaries. Examination of the project proposals was underway at the time of submitting the revised draft Annual Programme 2010.

## **2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS**

The RA is revising the Portuguese Management and Control System, and shall notify the Commission of its final result in accordance with article 21, 1., (b) of the Commission Decision no. 2008/458/EC, of March 5, 2008.

## **3. ACTIONS TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITIES CHOSEN**

### **3.1. Actions to be implemented under priority 1 – Support for the development of a strategic approach to return management by Member States**

#### **ACTION 1 – SUPPORT FOR VOLUNTARY RETURN AND REINTEGRATION PROGRAMMES**

##### Purpose and scope of the action

The aim of Action 1 of the 2010 programme is to reinforce support for implementation of the voluntary return measure, particularly as regards



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journeys, counselling, the monitoring of immigrants, information measures, etc.

The 2010 ARVR programme (Portuguese acronym for Voluntary Return and Reintegration Support Programme) builds on the 2009 ARVR implemented by the IOM in the sense that it takes into account results achieved as well as problems encountered with a view to work towards sustainable solutions for the return of migrants. In this respect all the project's components entail a step forward in relation to the previous programme.

This Action supports voluntary return programmes and measures to integrate returnees in their country of origin, in line with the national objective of continuing to guarantee a high capacity of response to return requests, strengthening the decentralised management of pre-departure activities, particularly in respect of activities relating to the reception of requests and counselling on return.

This action encompasses return plans which include, in particular, flexible assistance services and support for reintegration at the pre-departure stage, provide an appropriate response to the priorities relating to post-return reintegration and help facilitate the adoption of informed return decisions. In this context, special emphasis may be placed on services to support training in the management of small businesses and short-term vocational training, as well as services for the provision of country-of-origin information relevant to the post-return reintegration process. Special attention will be given to the most vulnerable foreign citizens. Priority will also be given to post-arrival activities which contribute in particular towards promoting effective forms of monitoring the reintegration processes.

It is also intended to strengthen the monitoring and evaluation of these processes, with a view to promoting integrated voluntary return that is sustainable for the end beneficiaries.



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As regards the assisted return activities to be undertaken in the 2010 programming year, the IOM intends to support 800 migrants in returning to their country of origin, providing assistance in obtaining the required travel documentation, planning the trip, helping on boarding formalities and assisting the returnee on departure, transit and arrival to the country of origin in cooperation with IOM offices abroad.

In terms of post-arrival reintegration support, the network set up in the frame of the 2009 programme will be strengthened with a view to work on local community development so as to match individual reintegration programmes with existing resources at community level and integrate reintegration plans into broader local community development plans.

#### Beneficiaries of the action

The International Organization for Migration (IOM) is the Beneficiary of the Action.

#### Expected quantified results

A number of implementation indicators will provide visibility on this action, in particular the following:

- number of citizens repatriated under voluntary return plans: 800
- number of citizens benefiting of reintegration support in the countries of origin: 60
- number of information/awareness-raising actions implemented: 11





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- number of reintegration projects monitored in the countries of origin (monitoring for reintegration: small business set up / training and education): 30

### Financial information

					Euros
Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
<b>Action 1</b>	762.827,66	254.275,89	0,00	<b>1.017.103,55</b>	75%

### Implementation schedule

January 1<sup>st</sup>, 2010 to June 30<sup>th</sup>, 2012

## **ACTION 2 – SUPPORT FOR THE ENFORCEMENT OF RETURN DECISIONS**

### Objective and scope of the action

Action 2 contributes to the simplification and implementation of enforcing returns of third-country nationals who do not or no longer fulfil the conditions for entry and stay, with a view to enhancing the credibility and integrity of immigration and reducing the period of custody of persons waiting for forced removal, as stated on Article 4, paragraph 1, (e) of the Basic Act.



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The other purpose of this action is to facilitate, through efficient time / cost effective means, the orderly and voluntary return of third-country nationals to their country of origin, who have been subjected to an administrative or judicial return decision and have no financial means to comply with such decision, avoiding the use of police escorts and forced removal, which would increase the time and costs involved as it would also increase the social stigma for the returnee of returning to its origin country under such conditions.

Under this action in the 2010 programming year, Foreign Nationals and Borders Service intends provide nearly 420 third-country returnees with pecuniary assistance on return transportation by airway, providing them also with assistance on obtaining the required travel documentation.

#### Beneficiaries of the action

The Foreign Nationals and Borders Service is the Beneficiary of the Action.

#### Expected quantified results

- number of returns by administrative decision: 303
- number of returns by judicial decision: 115

#### Financial information

Action	Euros				
	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
<b>Action 2</b>	152.477,76	50.825,92	0,00	<b>203.303,68</b>	75%



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### Implementation schedule

January 1<sup>st</sup>, 2010 to June 30<sup>th</sup>, 2012

### **3.4. Common features**

#### Visibility of co-financing by the Fund

Co-financing by the Fund of any component relating to management of the Programme and the projects to be approved will be clearly visible. Methods for ensuring visibility will include:

Placing the EU logo and specifying co-financing by the Fund on all material produced to implement the programme (invitations to present project proposals, manuals of procedures, guidelines, forms, correspondence, etc.);

Placing the EU logo on all equipment purchased for the project;

Placing the EU logo and specifying co-financing by the Fund on all relevant publicity material, prospectuses, headed paper, public relations activities, etc;

Placing the EU logo and specifying co-financing by the Fund at the premises of subsidy beneficiaries (for example, office walls, entrances, etc.);

Publicising co-financing by the Fund, in particular where projects are mentioned in the context of seminars or conferences;

The following text will be used to specify co-financing by the Fund:

“Project co-financed by the European Return Fund”



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### Complementarity with similar actions financed by other Community instruments

Complementarity with other Community instruments and the prohibition of overlapping financing are basic principles of management which are laid down in the national legislation applicable to the implementation of the Fund and which find expression at all stages of the Programme's execution, in particular as follows::

➤ The Mixed Committee, which is the advisory body of the Responsible Authority, comprises representatives of those members of the Government with competence in the area in which the Fund is active and becomes involved at the stage of drafting the corresponding programming as well as at the stage of approving projects, its specific responsibilities being, among others:

- Providing the information necessary to ensure that there is consistency and complementarity between the financing from the Fund and other relevant national and Community instruments;
- Deliver opinions on developments in national investment priorities in the area in which the Fund is active.

➤ During the various stages of the Programme's implementation, in particular at the stages of submitting applications and monitoring and reviewing projects, the RA asks the body applying for financing or the body to which financing has been awarded, as the case may be, for information on the compatibility of the action in respect of which financing has been applied for or awarded with other national or Community instruments and ascertains whether there is any overlapping financing;



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➤ The RA represents the Ministry of Home Affairs within the monitoring bodies of the National Strategic Reference Framework for the period 2007-2013, which monitor implementation of the programmes supported by the Structural Funds;

➤ Within the Ministry of Home Affairs, the RA centralises all information relating to projects or actions in respect of which any form of Community financing has been applied for or awarded, and is responsible for ensuring that that financing is consistent and that there is no overlapping support.

#### **4. TECHNICAL ASSISTANCE**

##### Purpose of technical assistance

Technical Assistance is specifically intended to promote maximum effectiveness and efficiency in the implementation of the Programme, and therefore seeks to provide, through the RA's, AA's and CA's technical support structures, a range of management, auditing and certifying activities which are essential for executing, monitoring and reviewing projects financed under the Programme so as to ensure that the objectives proposed are achieved.

To that end, technical assistance helps to equip the RA's, AA's and CA's management structures, with the logistical facilities essential to its proper operation and to effective monitoring and review.

It is also responsible for taking action to promote, communicate and publicise financing, particularly the results achieved through the projects supported by the Fund.

Accordingly, the main expenditure headings to be taken into account are as follows:



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- Expenditure relating to financing the RA's, AA's and CA's support structures, including spending on the human and material resources allocated to it;
- Purchase of services for preparing midterm evaluation reports, implementation reports, final reports or some other reports that may be at any time required by the Commission, in particular expenditure incurred by the Responsible Authority in connection with the provision and monitoring of those services;
- Purchase of services for auditing and reviewing the projects supported, in particular expenditure incurred by the Auditing Authority in connection with the provision and monitoring of those services;
- Purchase of services for certifying expenditure, in particular cost incurred by the Certifying Authority in connection with the provision and monitoring of those services;
- Purchase of IT services and equipment to support management, monitoring and evaluation activities;
- Collection and processing of the information required to monitor the material and financial implementation of the projects financed;
- Information and publicity sessions with potential Programme beneficiaries and production of the corresponding media and tools;
- Communications and publicity sessions, in particular with respect to the results achieved through the projects supported;
- Technical preparation of the frameworks earmarked for the management support structure.



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- Information sessions on the implementation of the Multiannual Programme results obtained via the projects supported by the annual programme.

Since the management and control system is the same for all four Funds under the General Programme, in accordance with the specimen submitted to the European Commission at the appropriate time, and in keeping with the logic of rational and efficient resource management, expenditure relating to the common technical assistance headings will be applied jointly to the four Funds, in a reasonable and verifiable manner and in such a way as to avoid any duplicated financing of costs.

In accordance with paragraphs 10 and 11 of Council of Ministers Resolution No 155-A/2006 of 17 November 2006, the budgetary costs of this measure are to be borne by appropriations from the budget of the Ministry of Home Affairs. The General Secretariat of the Ministry of Home Affairs (SG-MAI) is to be responsible for providing logistical support to the RA and for budgetary implementation, and is accordingly the final beneficiary of the technical assistance.

The SG-MAI's accounting system is organised in accordance with the Accounting Information System (AIS), and complies with the principles and concepts of accounting and the cost accounting criteria laid down by law.

### Quantification of expected results

The expected results of this measure have to do with achieving the goals and objectives set out for the Programme and will therefore manifest themselves in management tasks and procedures, which, in accordance with the applicable rules, will make it possible to maximise the national and Community resources assigned to the Programme.



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The following indicators will therefore be used:

- Rate of execution of the Fund expenditure at 31.03.2013 - 100%
- Average time taken to assess applications – 30 days

### Beneficiaries of the action

The Responsible Authority, the Auditing Authority and the Certifying Authority.

### Visibility of Community financing

See point 3.4.

### Financial information

					Euros
Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Technical Assistance	28.308,41		0,00	<b>28.308,41</b>	<b>100%</b>

### Implementation schedule

January 1<sup>st</sup>, 2010 to March 31<sup>st</sup>, 2013





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**Member State: PORTUGAL**

**Annual Programme: 2010**

**European Return Fund**

Euros

Action	Priority No	Specific Priority No (1)	Community Contribution	Public Contribution	Private Contribution	TOTAL	% Ec	Share of Total
			1	2	3	4=1+2+3	5=1/4	6=1/total1
Action 1	1		762.827,66	254.275,89	0,00	<b>1.017.103,55</b>	75%	81%
Action 2	1		152.477,76	50.825,92	0,00	<b>203.303,68</b>	75%	16%
Technical Assistance			28.308,41		0,00	<b>28.308,41</b>	<b>100%</b>	3%
Other Operations (2)								
<b>TOTAL</b>			<b>943.613,83</b>	<b>305.101,81</b>	<b>0,00</b>	<b>1.248.715,64</b>	<b>76%</b>	<b>100%</b>

(1) If applicable.

(2) If necessary, specific measures defined in the basic act, in particular emergency measures.

*Signature of person responsible*

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Ministry of Home Affairs