# COMMISSION IMPLEMENTING REGULATION (EU) 2023/169

## of 25 January 2023

## establishing the template for the annual performance reports on the Asylum, Migration and Integration Fund for the 2021-2027 programming period, pursuant to Regulation (EU) 2021/1147 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund ([1]), and in particular Article 35(5) thereof,

After consulting the Home Affairs Funds Committee,

Whereas:

(1) Regulation (EU) 2021/1060 of the European Parliament and of the Council ([2]), together with the Regulations (EU) 2021/1147, (EU) 2021/1148 ([3]) and (EU) 2021/1149 of the European Parliament and of the Council ([4]) ('Fund-specific Regulations') establishing respectively the Asylum, Migration and Integration Fund, the Instrument for Financial Support for Border Management and Visa Policy and the Internal Security Fund constitute a framework for Union funding contributing to the development of the area of freedom, security and justice.

(2) Regulation (EU) 2021/1060, and in particular Article 41(7) thereof, requires Member States to submit an annual performance report to the Commission for each programme in accordance with the Fund-specific Regulations.

(3) To ensure uniform conditions in the implementation of annual reporting and that the information provided to the Commission is consistent and comparable, Regulation (EU) 2021/1147 sets out the need to establish a template for the annual performance reports by means of an implementing act.

(4) In accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland takes part in Regulation (EU) 2021/1147. Therefore, Ireland is bound by this Regulation.

(5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not take part in and is not bound by Regulation (EU) 2021/1147. Therefore, Denmark is not bound by this Regulation.

(6) To allow for the prompt application of the measures provided for in this Regulation and to ensure that there is no delay in the implementation of the programmes, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*,

([1]) OJ L 251, 15.7.2021, p. 1.

([2]) Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

([3]) Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).

([4]) Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (OJ L 251, 15.7.2021, p. 94).

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation establishes the template for the annual performance reports on the Asylum, Migration and Integration Fund referred to in Article 41(7) of Regulation (EU) 2021/1060 and in Article 35 of Regulation (EU) 2021/1147.

The template is set out in the Annex.

*Article 2*

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 25 January 2023.

*For the Commission*
*The President*
Ursula VON DER LEYEN

*ANNEX*

**Template for the annual performance report on the Asylum, Migration and Integration Fund by the Member States to the Commission, as referred to in Article 35 of Regulation (EU) 2021/1147**

**IDENTIFICATION**

| | |
|---|---|
| *CCI* | |
| *Title* | |
| *Version* | |
| *Accounting year* | |
| *Date of approval of the report by the monitoring committee* | |

## 1. **Performance**

### 1.1. *Progress in implementation – Article 35(2), point (a), of Regulation (EU) 2021/1147*

For each specific objective, report on progress in implementing the programme and in achieving the milestones and targets set out in it, taking into account the most recent data for the accounting year, as required under Article 42 of Regulation (EU) 2021/1060. This refers to the cumulative data provided by 31 July of the year before the year that the report is submitted.

Within each specific objective, the information on progress should preferably be structured around the implementation measures, indicative actions and desired outcomes identified in the programme.

Describe also any steps taken and relevant activities related to the implementation of the partnership as per Article 8(2) of Regulation (EU) 2021/1060.

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### 1.2. *Issues affecting performance – Article 35(2), point (b), of Regulation (EU) 2021/1147*

For each specific objective, describe any issues affecting the performance of the programme during the accounting year and any actions taken to address them.

Whenever possible and relevant, you are encouraged to distinguish between issues related to:

— underreporting of achievements ([1]);

— target setting ([2]);

— procedural delays and administrative capacity ([3]);

— contextual changes ([4]);

([1]) This refers to the situation when there is a gap between the nominal target achievement rate measured by the indicators and the actual progress in implementation. For instance, under-reporting of output and results could be due to issues with the development of the IT system, ongoing operations for which output and results are not yet reported, issues with the data collection leading to slow or incomplete reporting, etc.

([2]) This refers to a situation where the low target achievement rate is not due to slow progress but rather to incorrect or unrealistic target setting. It may include lessons learned in connection with the establishment of a methodology for target setting – such as wrong or incomplete assumptions or issues with the benchmark values selected – and any planned changes to it.

([3]) For instance, issues related to tendering procedures, issues with audit procedures, issues linked to lack of resources at the managing authority level, an unforeseen delay in the adoption of the programme, etc.

([4]) This can include, for instance, socioeconomic or political factors, changes in the regulatory context, etc.

— the design and/or implementation of the operations ([5]);

— any other matter.

Describe any changes to strategy or national objectives, or any factors that may lead to changes in the future, as well as the modifications that those changes have produced in the targets estimated as per the methodology to establish the performance framework.

Include information on any reasoned opinions delivered by the Commission in respect of infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union (TFEU), and which are linked to the implementation of the fund.

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1.3. *Specific mitigation measures*

**If relevant**, describe briefly how the programme activities contributed to mitigating the effects of any sudden changes in the migratory pressure resulting from any unforeseen deterioration of the socioeconomic or political situation in relevant third countries. Whenever possible, refer to the volume of resources redeployed for this purpose, and the related outputs and results achieved.

Pay specific attention to activities carried out to mitigate the effects of such sudden changes and whose achievements may not be fully captured by the common output and result indicators.

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1.4. *Operating support – Article 21(3) of Regulation (EU) 2021/1147*

If operating support was used during the accounting year, describe how it contributed to achieving the objectives of the fund ([6]).

If the total cumulative eligible cost of operating support for the operations selected for support exceeds 15 % of the total programme allocation at the end of the accounting year, explain the reasons. Additionally, if there is a risk that the threshold is exceeded by the end of the programming period, describe the measures envisaged to mitigate it.

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1.5. *Specific actions* ([7])

Describe the main achievements of any specific actions carried out during the accounting year, and how they contributed to achieving the objectives of the programme and to generating Union added value ([8]).

([5]) For instance, issues to do with the scope of the action (e.g. eligibility criteria), low interest from beneficiaries or participants, any deviation in the implementation of the action, etc.

([6]) If relevant for this purpose, refer to the information which is in scope of Regulation (EU) 2021/1147 and available as a result of Schengen evaluations, carried out in accordance with Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27) and Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013 (OJ L 160, 15.6.2022, p. 1).

([7]) In the case of specific actions with a transnational nature, the scope of this section varies according to the distribution of roles and responsibilities between the lead Member States and the other participating Member States, as well as the choice of the reporting method used. This is described in the Commission's note of 14 February 2022 – Transnational specific actions under the Asylum, Migration and Integration Fund (AMIF), the Instrument for Financial Support for Border Management and Visa Policy (BMVI),and the Internal Security Fund (ISF) – Arrangements between partners (Ares (2022)1060102).

([8]) Union added value is defined as the generation of results beyond what would have been achieved by Member States acting alone.

Describe how the individual actions have advanced, both procedurally ([9]) and operationally ([10]) and highlight any issues affecting their performance, in particular any risk of underspending.

If relevant, break this information down to the project level. If any deviation from the original planning is expected, explain the reasons for this, describe any mitigating actions taken, and provide the revised timetable.

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Enter in the Table below the details of all the national specific actions implemented in the programme. The reporting on transnational specific actions should be consistent with the chosen reporting option ([11]).

| Specific Objective | Name/ reference number of the action | Beneficiary | Implement-ing period | Eligible cost ([1]) | Eligible expendi-ture ([2]) | Progress in the relevant common and/or programme-specific indicators ([3]) | |
|---|---|---|---|---|---|---|---|
| | | | | | | Output | Result |
| | | | | | | | |

([1]) Total eligible cost of selected operations, as reported to the Commission by 31 July of the last accounting year
([2]) Total amount of eligible expenditure declared by beneficiaries to the managing authority, by 31 July of the last accounting year.
([3]) If specific actions represent a top-up of previous operations and there are no dedicated monitoring arrangements, report the output and results pro-rata.

1.6. *Resettlement and relocation – Article 35(2), points (g) and (h), of Regulation (EU) 2021/1147*

Report on the consolidated figures for the accounting year in the table below.

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| Number of persons admitted through resettlement | |
| Number of persons admitted through humanitarian admission in line with Article 19(2) of the Regulation (EU) 2021/1147 | |
| Number of vulnerable persons admitted through humanitarian admission in line with Article 19(3) of the Regulation (EU) 2021/1147 | |
| Number of applicants for or beneficiaries of international protection transferred in | |
| Number of applicants for or beneficiaries of international protection transferred out | |

If relevant, describe any corrections or changes made to the values sent bi-annually via the data transmission module in the System for Fund Management in the European Union (SFC), and which are reflected in the table above in the consolidated figures for the accounting year.

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([9]) For instance, in connection to procurement activities or any other preparatory steps taken.
([10]) For instance, in terms of deliverables, outputs, results etc.
([11]) As set out in the Commission's note of 14 February 2022 (Ares (2022)1060102).

1.7. *Only in 2024: Continuation of projects – Article 39(4), point (e), of Regulation (EU) 2021/1147*

Report on any projects continued after 1 January 2021 that were selected and started under Regulation (EU) No 516/2014 of the European Parliament and of the Council ([12]), in accordance with Regulation (EU) No 514/2014 of the European Parliament and of the Council ([13]).

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2. **Complementarity – Article 35(2), point (c), of Regulation (EU) 2021/1147**

Describe the complementarity and, if relevant, synergies achieved during the accounting year between the actions supported by the fund and the support provided by other Union funds, in particular external financing instruments ([14]), the European Social Fund + (ESF+) or its predecessors, European Regional Development Fund (ERDF) – be it under the Investment for Jobs and Growth or the European Territorial Cooperation goals –, the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) ([15]).

Pay specific attention to:

— complementarity with Union's external financing instruments for actions taken in or in relation to third countries, underlining the aspects that are consistent with the principles and general objectives of the Union's external policy; and

— the use of enabling mechanisms, such as existing organisational and procedural arrangements that help achieve synergies and complementarities, and to any actions implemented to improve them in the accounting year.

If relevant, describe also the complementarity of the activities carried out from the perspective of strengthening inter-agency cooperation ([16]).

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3. **Implementation of the Union *acquis*, cooperation and solidarity – Article 35(2), point (d), of Regulation (EU) 2021/1147**

Describe briefly how, during the accounting year, the programme contributed to implementing the Union acquis (the body of Union law) on asylum, legal migration, integration, return and irregular migration and relevant action plans, and to cooperation and solidarity between Member States.

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([12]) Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

([13]) Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

([14]) In particular, e.g. the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe and the Instrument for Pre-accession assistance (IPA).

([15]) Complementarity with any other relevant EU funds (e.g. Recovery and Resilience Facility, Erasmus+, Creative Europe, Cohesion Fund, Just transition Fund etc.) could also be relevant.

([16]) Such as cooperation at EU level between the Member States, and between Member States and relevant EU bodies, offices and agencies, as well as cooperation at national level among the competent authorities within each Member State.

4. **Communication and Visibility – Article 35(2), point (e), of Regulation (EU) 2021/1147**

Describe how communication and visibility activities were carried out during the accounting year. In particular, refer to any progress made on the objectives set out in the communication strategy, as measured by the relevant indicators and their targets. If relevant, describe any good practices in reaching out to the target groups and/or disseminating and exploiting the results of the projects.

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Provide a link to the website portal referred to in Article 46, point (b), of Regulation (EU) 2021/1060 and, if different, to the website referred to in Article 49(1) of that Regulation.

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5. **Enabling conditions and horizontal principles**

5.1. *Enabling conditions – Article 35(2), point (f), of Regulation (EU) 2021/1147*

Describe how it was ensured that the applicable enabling conditions in Annex III of Regulation (EU) 2021/1060 were fulfilled and applied throughout the accounting year, in particular as regards complying with the Charter of Fundamental Rights of the European Union. If relevant, describe any change that had an impact on how the enabling conditions were fulfilled, as provided for in Article 15(6) of Regulation (EU) 2021/1060.

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5.2. *Compliance with horizontal principles – Article 9 of Regulation (EU) 2021/1060*

Describe how compliance during the accounting year with the horizontal principles laid down in the Common Provision Regulation was ensured, in particular equality between men and women and the promotion of gender mainstreaming, as well as avoiding discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

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6. **Projects in or in relation to third countries – Article 35(2), point (i), of Regulation (EU) 2021/1147**

Describe any actions taking place in or in relation to third countries during the accounting year and how these bring Union added value in achieving the objectives set by the fund. Indicate the names of the third countries concerned. Provide a description that clarifies that the actions supported by the fund are not development-oriented, serve the interest of internal Union policies and are consistent with activities undertaken within the Union. If relevant, refer to the consultations with the Commission before the project was approved (Article 16(11) of Regulation (EU) 2021/1147).

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7. **Summary – Article 35(2) of Regulation (EU) 2021/1147**

Provide a summary of the Sections 1 to 6, which will be translated and made available to the public.

As a minimum, the summary shall cover all the points listed in Article 35(2), and should preferably be structured around them.

The use of bullet points, bold text or informative headings is encouraged, so that interested stakeholders can easily identify the programme's main achievements, and the main issues affecting its performance.

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| *Insert text here. Max Length: 7 500 characters* |