

EU Funds
Management Task Group



European Union

ANNUAL PROGRAMME 2009
REVISED VERSION

MEMBER STATE: PORTUGAL

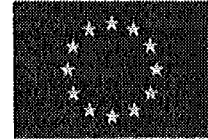
FUND: European Return Fund

RESPONSIBLE AUTHORITY: EU Funds Management Task Group at the MHA
(Estrutura de Missão para a Gestão dos Fundos Comunitários)

YEAR COVERED: 2009



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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.

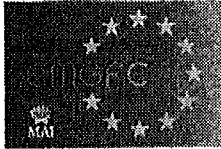
In accordance with the legal instrument which establishes it and defines its functions, the RA is completely prohibited from acting as a beneficiary of Community co financing or as an executing body for projects, and may not do so even as part of a partnership or association.

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.

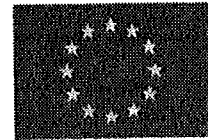
This model – used by Portugal as a standard for the management of structural funds for the past twenty years, as well as in the ERF I and II – therefore ensures a complete separation of functions, thus putting the RA in a position of total independence, whether in relation to potential beneficiaries of financing or in relation to the Certifying Authority¹ (CA) and the Auditing Authority² (AA), which likewise enjoy full administrative, technical and financial autonomy.

¹ Foreign Nationals and Borders Service, as at the present date.

² 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 EU 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 General 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 31st, 2008 and *Portaria* No 913/2010, of September 16th, 2010 – and can also be found in the manual of procedures for the Fund as well as on the RA's own website (<http://www.fundoscomunitarios.mai.gov.pt>).

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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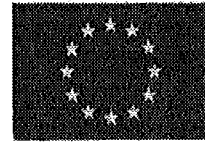
Expected timing of the opening of the call for proposals – The call for proposals was launched in the second quarter of 2009. A second call for proposals was launched in the last quarter of 2010.

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 appropriated 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 EU rules applicable to public procurement.

A call for proposals was launched on August 10th, 2009 and the deadline to submit proposals for projects was September 25th, 2009. In response to this call for proposals, 2 project applications were submitted by 2 potential beneficiaries. One of them was waived by the beneficiary.

Since funds were still available a new call for proposals was launched on October 4th, 2010 and the deadline to submit proposals for projects was October 19th, 2010. In response to this call for proposals, 1 project application was submitted by one potential beneficiary.

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.

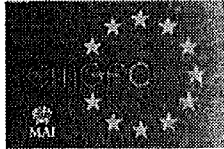
3. ACTIONS TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITIES CHOSEN

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

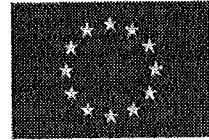
ACTION 1 – SUPPORT FOR RETURN PROGRAMMES AND REPATRIATION MEASURES

Purpose and scope of the action

In the context of the 2009 programming, this action, which was launched in the 2008 Annual Programme, is intended to give ongoing support to voluntary return programmes and repatriation measures by pursuing the national objective of continuing to ensure appropriate capacity to respond to return



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requests and by strengthening the management of activities and services relating to pre-departure support.

The purpose of the action is to design, develop and implement voluntary return plans providing for activities connected with the repatriation of third-country nationals to their countries of origin, residence or transit.

This action encompasses voluntary 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.

Under these plans, priority will also be given to post-arrival activities which contribute in particular towards promoting effective forms of monitoring the reintegration processes.

The aim is to strengthen the follow up and the evaluation components of these processes promoting an integrated voluntary return truly sustainable for these beneficiaries.

The expected beneficiaries in close coordination with partners of origin countries, accompanied by support networks in the territory of these countries, will monitor the evolution of individual reintegration of these people, gather information on progress and at the same time identify potential difficulties in completing the reintegration initial plan. Individual direct assistance will be given in order to overcome any difficulties and their impact on the quality of life of the returnees and their families. Local partners can also provide direct assistance through their network contacts in the area.



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The information collected in collaboration with the support networks on the field, respecting the issues of confidentiality, will represent a work tool to improve the support provided and make it more effective in the future.

Before the return takes place, individual reintegration plans for each returnee will be set, which shall include the follow up procedures after arrival and the objectives of the evaluation process.

With a view to ensuring that returns are effective and sustainable, priority will also be given in this context to the management of those plans and the creation of conditions appropriate to reintegration in the country of origin, with particular emphasis on the most vulnerable foreign citizens.

Beneficiaries of the action

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

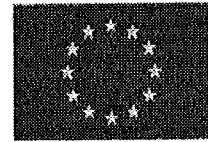
Expected quantified results

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

- number of national assisted-return programmes implemented: 1
- number of citizens repatriated under return plans: 600
- number of information/awareness-raising actions implemented: 20
- number of citizens belonging to supported vulnerable groups: 30
- number of monitoring measures in countries of origin (the follow up and evaluation of the implemented reintegration plans): 40



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Financial information

Euros

Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Action 1	673.890,51	224.630,17	0,00	898.520,68	75%

Implementation schedule

January 1st, 2009 to June 30th, 2011

3.2.Actions to be implemented under priority 3 – Support for innovative (inter)national tools for return management

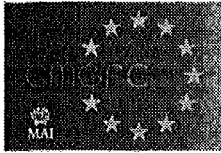
ACTION 2 – CREATION AND DEVELOPMENT OF TOOLS TO STRENGTHEN RETURN MANAGEMENT

The implementation of this Action was discontinued.

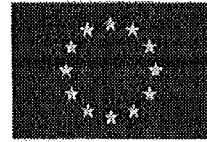
3.3.Actions to be implemented under priority 4 – Support for Community standards and best practices on return management

ACTION 3 – INFORMATION, COMMUNICATIONS AND EVALUATION INITIATIVES IN MATTERS RELATING TO RETURN MANAGEMENT

The implementation of this Action was discontinued.



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

ACTION 4 – SUPPORT FOR THE ENFORCEMENT OF RETURN DECISIONS

Objective and scope of the action

The objective of Action 4 is to contribute to the simplification of procedures for implementing return decisions concerning third-country nationals who do not or no longer fulfil the conditions for entry and stay, by means of facilitating voluntary returns and avoiding the use of escorts.

The action is to be implemented under the 2009 Annual Programme by the Foreign Nationals and Borders Service and will seek to provide assistance to approximately 420 third-country national subjected to an administrative or a judicial return decision. Under this action, expenditure could include pecuniary assistance to cover the costs of transportation by air, costs related to obtaining the required travel documentation where necessary, and other costs related to the organisation and monitoring of these operations.

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



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Financial information

Euros

Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Action 4	231.605,19	77.201,73	0,00	308.806,92	75%

Implementation schedule

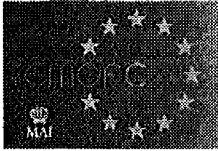
January 1st, 2009 to June 30th, 2011

3.4. Common features

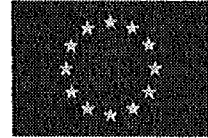
Visibility of co-financing by the Fund

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;



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- 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;

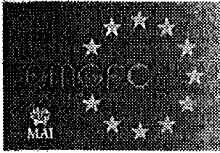
The following text will be used to specify co-financing by the Fund:

“Project co-financed by the European Return Fund”

Complementarity with similar actions financed by other EU instruments

Complementarity with other EU 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 EU instruments;
 - Deliver opinions on developments in national investment priorities in the area in which the Fund is active.



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➤ 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;

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

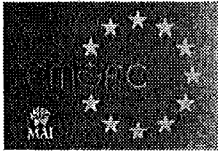
➤ Within the Ministry of Home Affairs, the RA centralises all information relating to projects or actions in respect of which any form of EU financing has been applied for or awarded, and is responsible for ensuring that that financing is consistent and that there is no overlapping support.

4. TECHNICAL ASSISTANCE

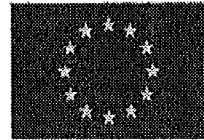
Purpose of technical assistance

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.



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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:

- 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;



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- 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.
- 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



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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 EU resources assigned to the Programme.

The following indicators will therefore be used:

- Rate of execution of the Fund expenditure at 31.03.2012 - 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

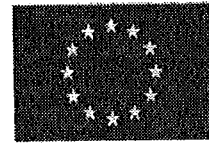
Euros					
Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Technical Assistance	28.005,02		0,00	28.005,02	100%

Implementation schedule

January 1st, 2009 to March 31st, 2012



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Member State: PORTUGAL
Annual Programme: 2009
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/total*1
Action 1	1		673.890,51	224.630,17	0,00	898.520,68	75%	72%
Action 2 (2)	3		0,00	0,00	0,00	0,00	0%	0%
Action 3 (2)	4		0,00	0,00	0,00	0,00	0%	0%
Action 4	1		231.605,19	77.201,73	0,00	308.806,92	75%	25%
Technical Assistance			28.005,02	0,00	0,00	28.005,02	100%	3%
Other Operations (3)								
TOTAL			933.500,72	301.831,90	0,00	1.235.332,62	76%	100%

(1) If applicable.

(2) The implementation of this Action was discontinued

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

Signature of person responsible

Pedro Duarte Silva
EU Funds Management Task Group
Ministry of Home Affairs

