



COMISSÃO DAS COMUNIDADES EUROPEIAS

Bruxelas, 11.3.2009  
C(2009) 1539 final

**DECISÃO DA COMISSÃO**

**de 11.3.2009**

**que aprova, relativamente a Portugal, o programa plurianual para o período de 2008-2013 e o programa anual de 2008 relativo ao Fundo Europeu de Regresso, bem como o co-financiamento a partir desse Fundo para 2008**

## DECISÃO DA COMISSÃO

de 11.3.2009

**que aprova, relativamente a Portugal, o programa plurianual para o período de 2008-2013 e o programa anual de 2008 relativo ao Fundo Europeu de Regresso, bem como o co-financiamento a partir desse Fundo para 2008**

(Apenas faz fé o texto em língua portuguesa)

A COMISSÃO DAS COMUNIDADES EUROPEIAS,

Tendo em conta o Tratado que institui a Comunidade Europeia,

Tendo em conta a Decisão n.º 575/2007/CE do Parlamento Europeu e do Conselho, de 23 de Maio de 2007, que cria o Fundo Europeu de Regresso para o período de 2008 a 2013 no âmbito do programa geral "Solidariedade e Gestão dos Fluxos Migratórios"<sup>1</sup> e, nomeadamente, o n.º 5 do seu artigo 19.º e o n.º 5 do seu artigo 21.º,

Considerando o seguinte:

- (1) Em 15 de Janeiro de 2008, Portugal apresentou à Comissão um projecto de programa plurianual para o período de 2008 a 2013. Este projecto foi posteriormente revisto, tendo sido recebida a versão final em 25 de Novembro de 2008. O programa contém os elementos necessários, tal como previsto no n.º 1 do artigo 19.º da Decisão n.º 575/2007/CE. A Comissão examinou o referido documento em conformidade com o n.º 3 do artigo 19.º da Decisão n.º 575/2007/CE e com a Decisão 2007/837/CE da Comissão, de 30 de Novembro de 2007, que aplica a Decisão n.º 575/2007/CE do Parlamento Europeu e do Conselho no que se refere à aprovação de directrizes estratégicas para o período 2008-2013<sup>2</sup>.
- (2) Em 13 de Fevereiro de 2008, Portugal apresentou à Comissão um projecto de programa anual para 2008. Este projecto foi posteriormente revisto, tendo sido recebida a versão final em 25 de Novembro de 2008. O programa contém os elementos necessários, tal como previsto no n.º 3 do artigo 21.º da Decisão n.º 575/2007/CE, e está conforme com o programa plurianual.
- (3) Em 22 de Outubro de 2007, Portugal apresentou, em conformidade com o n.º 2 do artigo 32.º da Decisão n.º 575/2007/CE, uma descrição dos sistemas de gestão e de controlo, a qual contém os elementos necessários, tal como previsto no n.º 2 do artigo 32.º da Decisão n.º 575/2007/CE. Os sistemas de gestão e de controlo foram objecto de uma verificação.

<sup>1</sup> JO L 144 de 6.6.2007, p. 45.

<sup>2</sup> JO L 330 de 15.12.2007, p. 48.

- (4) Os montantes afectados ao Estado-Membro, mediante co-financiamento, devem ser indicados.
- (5) Deve ser fixada uma data-limite para a elegibilidade das despesas, em conformidade com os pontos I.4 e V.3 do Anexo XI da Decisão 2008/458/CE da Comissão, de 5 de Março de 2008, que estabelece as normas de execução da Decisão n.º 575/2007/CE<sup>3</sup>.
- (6) As medidas previstas na presente decisão são conformes com o parecer do Comité criado pelo n.º 1 do artigo 56.º da Decisão n.º 574/2007/CE<sup>4</sup>,

ADOPTOU A PRESENTE DECISÃO:

*Artigo 1.º*

É aprovado o programa plurianual de Portugal para o período de 1 de Janeiro de 2008 a 31 de Dezembro de 2013, como descrito no Anexo 1 da presente decisão.

*Artigo 2.º*

É aprovado o programa anual de Portugal para 2008, como descrito no Anexo 2 da presente decisão.

*Artigo 3.º*

O montante total afectado a partir do Fundo Europeu de Regresso, mediante co-financiamento, para o exercício orçamental de 2008 é de 901 700,17 euros.

*Artigo 4.º*

Para o programa anual de 2008, a data-limite de elegibilidade das despesas é 31 de Dezembro de 2009 para as acções e 30 de Setembro de 2010 para a assistência técnica.

*Artigo 5.º*

No que diz respeito ao programa anual de Portugal para 2008, a presente decisão constitui uma decisão de financiamento na acepção do n.º 2 do artigo 75.º do Regulamento (CE, Euratom) n.º 1605/2002 do Conselho, de 25 de Junho de 2002, que institui o Regulamento Financeiro aplicável ao orçamento geral das Comunidades Europeias<sup>5</sup>, bem como do artigo 90.º do Regulamento (CE, Euratom) n.º 2342/2002 da Comissão, de 23 de Dezembro de 2002, que estabelece as normas de execução do Regulamento (CE, Euratom) n.º 1605/2002

<sup>3</sup> JO L 167 de 27.6.2008, p. 135.

<sup>4</sup> JO L 144 de 6.6.2007, p. 22.

<sup>5</sup> JO L 248 de 16.9.2002, p. 1. Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE, Euratom) n.º 1525/2007 do Conselho (JO L 343 de 27.12.2007, p. 9).

do Conselho, que institui o Regulamento Financeiro aplicável ao orçamento geral das Comunidades Europeias<sup>6</sup>.

*Artigo 6.º*

A República Portuguesa é a destinatária da presente decisão.

Feito em Bruxelas, em 11.3.2009.

*Pela Comissão  
Jacques BARROT  
Vice-Presidente*



---

<sup>6</sup> JO L 357 de 31.12.2002, p. 1. Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE, Euratom) n.º 478/2007 da Comissão (JO L 111 de 28.4.2007, p. 13).

## Annex 2

### MODEL ANNUAL PROGRAMME

**MEMBER STATE: Portugal**

**FUND: European Return Fund**

**RESPONSIBLE AUTHORITY: Community Fund Management Task Force  
(Estrutura de Missão para a Gestão de Fundos Comunitários), Ministry of Interior**

**YEAR COVERED: 2008**

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

The Responsible Authority (RA) is a wholly independent body created expressly by Government instrument – signed by the Prime Minister – with the exclusive role of providing technical, administrative and financial management for the Framework Programme on Solidarity and the Management of Migration Flows.

According to the legal instrument under which it was established and which defines its role, the RA may not under any circumstances be a beneficiary of Community co-financing or act as the implementing body for projects, even as a mere partner or member of an association.

Thus, and in accordance with the above-mentioned legal instrument, the head of the RA is personally and nominally responsible to the government for the professionalism, impartiality, independence and transparency of all management activity throughout implementation of the entire Framework Programme on Solidarity and the Management of Migration Flows.

This model – used systematically in Portugal for the management of Structural Funds over the last 20 years, as well as in ERF I & II – therefore provides for total segregation of roles, placing the RA in a situation of complete independence both vis-à-vis potential beneficiaries of finance and in relation to the certifying authorities<sup>1</sup> (CA) and audit

---

<sup>1</sup> Foreigners and Border Service

authorities<sup>2</sup> (AA), which in turn have full administrative, technical and financial autonomy.

Accordingly, even in the hypothetical situation that, during competitive procedures (applicable in all calls for proposals), a single potential beneficiary might emerge, in view of the specificity of the area involved – and even if that beneficiary were a unit within the public administration – the institutional and legal nature of the RA and its independent positioning, limited to exercising a purely management role, provides a total segregation of functions, guaranteeing impartiality and transparency across the entire range of its activity of project analysis, selection, monitoring and evaluation.

This model is completed by the designation of two bodies with absolute technical, administrative and financial autonomy, namely the CA and AA.

In the case of the CA, the segregation of functions is further reinforced by the fact that the team certifying the expenditure for the funds in the Framework Programme has no involvement whatsoever in anything related to the implementation of projects – a situation which already applied in ERF II.

It should also be noted that the AA, which is part of the Ministry of Finance and hence enjoys total independence from all potential beneficiaries, is the body which audits all Community financing on a national level, a fact which itself underscores its competence and impartiality in carrying out these roles.

The general rules for selecting projects to be financed under the Annual Programme are consistent with those set out in the model description of the management and control system for the four funds making up the Framework Programme on Solidarity and the Management of Migration Flows, already submitted to the European Commission.

The RA organises all selection procedures and the awarding of co-financing by the Fund, in accordance with principles of transparency, equality of treatment and the non-cumulation of aid.

---

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

The rules are laid out in specific domestic legislation for the Fund – Order 98/2008 of 31 January – and have also been disseminated via the Fund’s procedure manual and on the RA’s own website.

For the project selection phase, the procedures set out in those documents are as follows:

- **Announcement** - Bids are submitted to the RA following an announcement published in a national large-circulation newspaper and on the RA’s own website. The announcement will contain, either directly or by cross-reference to the web page indicated, all relevant information, such as the aims of the Fund with which bids must be consistent, eligible beneficiaries, the eligibility period of the annual programme (1 January 2008 to 31 December 2009) within which projects must be implemented, the selection criteria and the amount of finance available.

**General selection criteria:**

- Extent of consistency with the national situation and needs;
- Relevance, appropriateness and consistency of the project’s aims and activities in terms of the annual programme;
- Adequacy of the profile of the applicant for finance, and its proven experience and prior achievements;
- Cost/benefit ratio of the planned expenditure;
- Extent to which it complements other projects financed out of public funds.

**Planned timetable for the submission of bids** - The conditions now exist on a national level to implement the Programme in full and, in view of the expectations created by the potential beneficiaries, bids will be accepted in the third quarter of 2008.

- **Submission of bids** - Bids are submitted using a special form designed to provide the information necessary for the approval decision and for the subsequent monitoring, control and assessment processes. An annex to the form shows a table of indicators for implementation and outcomes, and the

applicant for finance can select those most appropriate to the proposed project, in order to enable the project's contribution to the aims of the Programme to be assessed.

- Eligibility of bids - This is based on the formal analysis of the bid, with the general eligibility requirements of the applicant and the project being checked during this phase.
- Analysis of bid and technical opinion - The bid is analysed using specially-designed forms, with the analysis covering an assessment of the selection criteria and of the eligibility of the expenditure concerned and its reasonableness in terms of achieving the aims of the bid.
- Opinion of the Joint Committee - The bids analysed are ranked in accordance with the score obtained by applying the selection criteria, and on the basis of the financing available, and are then submitted for the opinion of the Joint Committee. Once that opinion has been obtained, a decision can be taken.
- Decision - the action approving the application for finance.
- Finance contract - The financing decision is formalised in a written contract between the RA and the entity applying for the finance. The contract contains the undertaking to implement the project, reflecting the precise terms of the instrument approving the finance, of which the table setting out the cost structure forms an integral part.

---

All procurement procedures will take place in accordance with Article 11 of the implementing rules, thus ensuring compliance between national public procurement rules and the Community rules.

2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS (if appropriate)

Not applicable.



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

#### **3.1. Actions implementing Priority 1 – Support to Member States in developing a strategic approach to the management of returns**

##### **ACTION 1 – SUPPORT TO RETURN PROGRAMMES AND MEASURES TO AID REINTEGRATION IN THE COUNTRY OF ORIGIN**

###### **Purpose and scope of the action**

The focus of this action is to devise, develop and implement return plans, including the repatriation of third-country nationals to their country of origin, residence or transit.

###### **This action covers:**

- return plans including flexible support services and assistance for reintegration in the pre-departure phase, as well as support to those concerned to take an informed decision to return;
- priority measures of reintegration after returning. These return plans will also give priority to actions in the post-arrival phase which will help, in particular, to encourage effective methods for monitoring the reintegration processes.

To ensure that returns are effective and sustainable, special emphasis will also be placed on the management aspect of these plans and the creation of adequate conditions for reintegration in the country of origin, with a particular focus on the most vulnerable foreign citizens.

###### **Expected grant recipients**

Beneficiaries of the action are:

Services and bodies of the public administration with legal responsibilities in the Fund's areas of operation, such as the Immigration Borders Service.

International organisations and NGOs active in the Fund's areas of operation.

### Expected quantified results

A number of implementation indicators will provide visibility for this action, in particular:

- number of national plans for assisted returns implemented: 1
- number of citizens repatriated under the terms of the return plans: 500
- number of information / awareness initiatives undertaken: 20
- number of citizens in vulnerable groups given assistance: 25
- number of monitoring initiatives in countries of origin: 30

### Financial information

| <i>(All figures in euros)</i> | Community contribution<br>(a) | Public allocation<br>(b) | Private allocation<br>(c) | TOTAL<br>(d = a+b+c) | % EC<br>(e = a/d) |
|-------------------------------|-------------------------------|--------------------------|---------------------------|----------------------|-------------------|
| Action 1                      | 606 435.87                    | 202 145.29               | 0.00                      | 808 581.16           | 75%               |

### **3.2. Actions implementing Priority 3 – Support for specific innovative (inter)national instruments for the management of returns**

#### **ACTION 2 – INITIATIVES IN SUPPORT OF VOLUNTARY RETURN AND OPTIMISATION OF PROCEDURES**

##### Purpose and scope of the action

The aims of this action are focused in particular on developing voluntary return programmes and on practices, methods and procedures to give information and advice to potential candidates for repatriation on conditions in their country of origin, promoting an increase in the numbers of voluntary returns.

The aim of this action is also to support the introduction of innovative instruments and working practices able to render the procedures for returns

more rapid and effective, through joint and coordinated action by the authorities involved in the process.

#### Expected grant recipients

Beneficiaries of the action are:

Services and bodies of the public administration with legal responsibilities in the Fund's areas of operation, such as the Immigration Borders Service.

International organisations and NGOs active in the Fund's areas of operation.

#### Expected quantified results

A number of implementation indicators will provide visibility for this action, in particular:

- number of innovative initiatives to incentivise voluntary return: 2
- number of instruments implemented to optimise return procedures: 2

#### Financial information

| <i>(All figures in euros)</i> | Community contribution<br>(a) | Public allocation<br>(b) | Private allocation<br>(c) | TOTAL<br>(d = a+b+c) | % EC<br>(e = a/d) |
|-------------------------------|-------------------------------|--------------------------|---------------------------|----------------------|-------------------|
| Action 2                      | 80 858.12                     | 26 952.71                | 0.00                      | <b>107 810.82</b>    | 75%               |

### **3.3 Actions implementing Priority 4 – Support for Community regulations and improved practices in the management of returns**

#### **ACTION 3 – INITIATIVES FOR INFORMATION, DISSEMINATION AND EVALUATION OF THE MANAGEMENT OF RETURNS**

##### Purpose and scope of the action

As well as providing comprehensive and transparent information to potential interested parties on all regulations applicable to their situation, the aim of this action is also to create information systems guaranteeing fair and effective

implementation of those regulations and support to evaluation measures able to gauge progress made in this area.

#### Expected grant recipients

**Beneficiaries of the action are:**

Services and bodies of the public administration with legal responsibilities in the Fund's areas of operation, such as the Immigration Borders Service.

International organisations and NGOs active in the Fund's areas of operation.

#### Expected quantified results

A number of implementation indicators will provide visibility for this action, in particular:

- number of initiatives to disseminate and provide information on rules applicable to returns: 20
- number of studies / reports produced: 2

#### Financial information

| <i>(All figures in euros)</i> | Community contribution<br>(a) | Public allocation<br>(b) | Private allocation<br>(c) | TOTAL<br>(d = a+b+c) | % EC<br>(e = a/d) |
|-------------------------------|-------------------------------|--------------------------|---------------------------|----------------------|-------------------|
| Action 3                      | 121 287.17                    | 40 429.06                | 0.00                      | 161 716.23           | 75%               |

### 3.4. Common issues

#### Visibility of EC funding

Co-financing by the Fund will be clearly visible in any of the components implemented as part of programme management and of the projects for approval. Ways of ensuring visibility will include:

- Displaying the EU logo and an indication that finance has been provided by the Fund on all material produced concerning the implementation

of the Programme (invitations to submit proposals for projects, procedure manuals, guidelines, forms, correspondence, etc.);

- Displaying the EU logo on all equipment acquired for the project;
- Displaying the EU logo and an indication that finance has been provided by the Fund on all relevant advertising material, prospectuses, letterheads, PR activity, etc.;
- Displaying the EU logo and an indication that finance has been provided by the Fund in the premises of recipients of aid (e.g. on the walls of offices, entrance halls, etc.);
- Publicity for the co-financing provided by the Fund particularly when projects are referred to at seminars and conferences;

To indicate that support has been received from the Fund, the following wording will be used:

**“Project co-financed by the European Return Fund”.**

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

Complementarity with other Community instruments, and the non-cumulation of financing are basic management principles enshrined in national legislation applicable to the implementation of the Fund, and which are reflected throughout all phases of the Programme as follows:

- The Joint Committee, which is the consultative body of the responsible authority for the Programme, includes representatives of members of the government competent in the Fund’s area of operation. It is involved in drawing up the Programme and in approving projects. Its specific obligations include:
  - Providing the information necessary to ensure consistency and complementarity between the financing of the Fund and other relevant national and Community instruments;

- **Issuing opinions on changes in national investment priorities in the Fund's area of operation.**

➤ In the various phases of the Programme, and in particular when presenting applications and monitoring and controlling projects, the responsible authority will require the applicant / beneficiary of the finance, to provide information on the compatibility of the action for which finance is requested or has been provided with other national or Community instruments, and will identify any cumulation of aid.

➤ The responsible authority represents the Ministry for Internal Administration in the monitoring bodies of the National Strategic Reference Framework for the period 2007-2013 which will be monitoring implementation of Programmes supported by structural funds;

➤ The responsible authority will centralise in the Ministry for Internal Administration all information on projects or activities which have applied for or obtained Community financing of any sort, and is responsible for ensuring consistency and the absence of any cumulation of aid.

#### 4. TECHNICAL ASSISTANCE

##### Purpose of technical assistance

The specific aim of technical assistance is to promote maximum efficiency and effectiveness in implementing the Programme. It therefore seeks to provide, through the technical support structure of the responsible authority, a range of management activities vital for the execution, monitoring and control of the projects financed under the Programme, in order to ensure that the objectives are achieved.

Thus, technical assistance helps ensure that the management structure responsible for overall management of the Framework Programme on Solidarity and the Management of Migration Flows has everything needed

from a logistical point of view for its proper implementation, and effective monitoring and control.

It also carries out actions to promote, disseminate and publicise the aid provided, particularly in terms of the results achieved by projects supported by the Fund.

The main items of expenditure to be considered are as follows:

- Expenditure on the operations of the RA's management support structure, including the cost of staff allocated to it;
  - The purchase of audit and control services for projects supported, notably expenditure by the audit authority for the provision and monitoring of those services;
  - The purchase of IT services and hardware to support the RA's management, monitoring and assessment activity;
  - The collection and processing of data needed to monitor the physical and financial implementation of the projects financed;
  - Information and publicity meetings with potential beneficiaries of the Programme, and the production of the related documents and materials;
  - Dissemination and publicity meetings, particularly in relation to the results obtained through the projects supported;
- 
- Technical training for officials allocated to the management support structure.

As the management and control system is common to the four funds in the Framework Programme, as shown in the model presented to the European Commission, and with the aim of rationalisation and efficiency in managing resources, expenditure for common items of technical assistance will be allocated jointly to the four funds, in a reasonable and auditable manner, and ensuring there is no duplication of the financing of costs.

As established in paragraphs 10 and 11 of Council of Ministers Resolution 155-A/2006 of 17 November, the budgeted costs of this measure are borne by transfers from the budget of the Ministry of Internal Administration, and it is the responsibility of the General Secretariat of the Ministry of Internal Administration (GS-MIA) to provide logistical support to the RA and the budgeted expenditure, and for this reason it is the final beneficiary of technical assistance.

GS-MIA has organised accounting procedures, based on an Accounting Information System (AIS), which adheres to the accounting principles, concepts and criteria legally defined for cost accounting.

#### Expected quantified results

The expected results for this measure are centred on meeting the targets and objectives set for the Programme, and will therefore be reflected in the management actions and procedures developed which will make it possible, in full compliance with the applicable rules, to maximise the national and Community resources devoted to the Programme.

Thus, the following indicators will be used:

- Level of implementation of fund expenditure by 31 December 2009 – 100%
- Average time required to assess bids – 20 days

#### Visibility of EC funding

See Point 3.4.

#### Financial information

| <i>(All figures in euros)</i> | Community contribution<br>(a) | Public allocation<br>(b) | Private allocation<br>(c) | TOTAL<br>(d = a+b+c) | % EC<br>(e = a/d) |
|-------------------------------|-------------------------------|--------------------------|---------------------------|----------------------|-------------------|
| Technical Assistance          | 93 119.01                     | 31 039.67                | 0.00                      | <b>124 158.68</b>    | 75%               |



## 5 DRAFT FINANCING PLAN

### Annual Programme – Draft Financial Plan

Table 1 – Overview table

Member State: PORTUGAL

Annual programme concerned: 2008

European Return Fund

| (All figures in euros) | Ref priority | Ref specific priority (1) | Community contribution (a) | Public allocation (b) | Private allocation (c) | TOTAL (d = a+b+c)   | % EC (e = a/d) | Share of total (d/total d) |
|------------------------|--------------|---------------------------|----------------------------|-----------------------|------------------------|---------------------|----------------|----------------------------|
| Action 1               | 1            |                           | 606 435.87                 | 202 145.29            | 0.00                   | 808 581.16          | 75%            | 67%                        |
| Action 2               | 3            |                           | 80 858.12                  | 26 952.71             | 0.00                   | 107 810.82          | 75%            | 9%                         |
| Action 3               | 4            |                           | 121 287.17                 | 40 429.06             | 0.00                   | 161 716.23          | 75%            | 13%                        |
| Technical Assistance   |              |                           | 93 119.01                  | 31 039.67             | 0.00                   | 124 158.68          | 75%            | 10%                        |
| Other operations (2)   |              |                           |                            |                       |                        |                     |                |                            |
| <b>TOTAL</b>           |              |                           | <b>901 700.17</b>          | <b>300 566.72</b>     | <b>0.00</b>            | <b>1 202 266.89</b> | <b>75%</b>     | <b>100%</b>                |

(1) If appropriate

(2) If necessary specific measures defined in the basic instrument such as emergency measures

*[Signature of the responsible person]*

**Head of Community Fund Management Task Force (*Estrutura de Missão para a Gestão de Fundos Comunitários*), Ministry of Interior**