

Migration conditionality in the MFF

Ever since the migration crisis of 2015, migration has been at the top of the European agenda. Migration policy has its own separate heading in the new MFF, and it is the focus of several programmes and funds, sometimes interlinking its internal and external dimensions. In the Commission's proposals, Member States' efforts in the domain of migration are taken into account when allocating funds, e.g. in calculating cohesion policy envelopes. The Commission furthermore proposes to increase the AMF and IBMF budget significantly. These proposals are an important step towards more balanced burden-sharing between Member States.

The Netherlands considers solidarity between EU Member States to be a fundamental principle, also in the context of the next MFF. Solidarity in managing migration should be actively stimulated. Consequently, efforts and commitments in that area should be supported by EU funding. The new MFF should stimulate Member States to contribute to the implementation and strengthening of the asylum acquis as well as to the improvement of Schengen through better border management. Conditionality could be considered both as a way to target spending in this area further and as a means to create stronger incentives within the budget for a common MFF approach to EU policy priorities.

The Netherlands has identified four options to strengthen the link between the implementation of the EU agenda on migration and the MFF.

1. Greater harmonisation of EU and national asylum policies: larger thematic facility within AMF and BMVI

During the new MFF period, migration flows will continue to exert pressure on the EU and its Member States. Not all migratory pressure on Member States can be foreseen, especially given the long time span of the MFF. It is important that Member States have access to adequate financial EU funding in order to respond swiftly and facilitate ad hoc, overarching measures in case of excessive and unforeseen migratory pressure. For this purpose, we propose to increase the percentage of the EU envelope (thematic facility) within the AMF and the BMVI from 40% to 50% in lieu of the national envelope (from 60% to 50%), thus enhancing the effective use of available migration resources by increasing the amount of funding available under centralised management. In order to maintain the right balance between flexibility and predictability, a needs-based allocation approach should be applied so as to provide the utmost support for Member States facing unforeseen migration pressures.

2. Performance reserve: better adapting the allocation of funds to the actual needs of Member States

The migration funds must be well equipped to provide funding in order to address unforeseen migration challenges. Instead of relying solely on a static distribution key, which will certainly be outdated halfway through, the Netherlands proposes to make the migration funds more adjustable and flexible by strengthening the role as well as the added value of the AMF and BMVI mid-term evaluations for the allocation of the second tranche of funding.

First, instead of the Commission's proposal to release 10% of the funding after the mid-term evaluation, we propose to allocate a larger sum of [15–20]% of the funding after the mid-term evaluation.

In addition, the second tranche of funding should be adjusted to the actual needs of Member States based on a substantive analysis. The allocation should not solely be determined by the degree of Member States' spending but instead be based on an analysis of the Member States' efforts by assessing the content and effectiveness of the projects that are already operational, in combination with an updated analysis of the actual needs of Member States. This approach creates an opportunity for an interim adjustment that focuses on the efficient, predictable and targeted allocation of funding instead of a single focus on the degree of spending. In this way, funds can be reallocated after 4–5 years in accordance with the changing conditions while taking the projects already under way into account, instead of allocating the funds at the beginning of the period for the entire 7-year period.

3. Encouraging solidarity on migration among Member States through a horizontal enabling condition based on implementation of the CEAS

Solidarity between Member States on migration should be fostered further. For this reason, the Netherlands proposes to incorporate a positive incentive into the MFF in order to enhance solidarity, responsibility and reciprocity with regard to migration. Art. 80 TFEU states that Member States are bound to the obligations of the European asylum acquis as well as to the principle of solidarity and fair sharing of responsibility, including its financial implications, in the field of migration. The Netherlands therefore proposes to make Common Provisions Regulation (CPR) fund allocation conditional on effective application and implementation of the Common European Asylum System (CEAS) through a horizontal enabling condition. By adding a horizontal enabling condition on migration to Annex III of the CPR, the Commission will be able to suspend payments for the underlying funds in the event that a Member State fails to comply with these conditions.

4. Encouraging migration measures by earmarking 10% of ESF+ (the social fund within the Structural Funds)

Migration is a major EU priority. The MFF provides the opportunity to connect the EU migration policy objectives clearly to actual financing. As the ESF+ aims to support Member States in the integration of migrants, the Netherlands proposes to earmark [5–10]% of the total ESF+ allocation to the integration of third-country nationals as part of the social inclusion objective.