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*Plenary sitting*

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**A8-0130/2016**

11.4.2016

## **REPORT**

on the Council position on Draft amending budget No 1/2016 of the European Union for the financial year 2016, New instrument to provide emergency support within the Union  
(07068/2016 – C8-0122/2016 – 2016/2037(BUD))

Committee on Budgets

Rapporteur: José Manuel Fernandes

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**on the Council position on Draft amending budget No 1/2016 of the European Union for the financial year 2016, New instrument to provide emergency support within the Union (07068/2016 – C8-0122/2016 – 2016/2037(BUD))**

*The European Parliament,*

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>1</sup>, and in particular Article 41 thereof,
- having regard to the general budget of the European Union for the financial year 2016, as definitively adopted on 25 November 2015<sup>2</sup>,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020<sup>3</sup>,
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>4</sup>,
- having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources<sup>5</sup>,
- having regard to Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union<sup>6</sup>,
- having regard to Draft amending budget No 1/2016, which the Commission adopted on 9 March 2016 (COM(2016)0152),
- having regard to the position on Draft amending budget No 1/2016 which the Council adopted on 16 March 2016 and forwarded to Parliament on 17 March 2016 (07068/2016 – C8-0122/2016),
- having regard to the letter from the Committee on Civil Liberties, Justice and Home Affairs,

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<sup>1</sup> OJ L 298, 26.10.2012, p. 1.

<sup>2</sup> OJ L 48, 24.2.2016, p. 1.

<sup>3</sup> OJ L 347, 20.12.2013, p. 884.

<sup>4</sup> OJ C 373, 20.12.2013, p. 1.

<sup>5</sup> OJ L 163, 23.6.2007, p. 17.

<sup>6</sup> OJ L 70, 16.3.2016, p. 1.

- having regard to Rules 88 and 91 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A8-0130/2016),
- A. whereas the massive influx of refugees and migrants into Europe has created an exceptional situation whereby a large number of persons require urgent humanitarian assistance within the Union; whereas this emergency situation has overstretched the response capacity of the most affected Member States; whereas no appropriate instrument was available at Union level to address humanitarian needs of disaster-stricken people within the Union;
  - B. whereas the Commission presented on 2 March 2016 a proposal for a Council Regulation aimed at filling a gap in the available instruments in order to address humanitarian needs within the territory of the Union; whereas that Regulation is based on Article 122(1) of the Treaty on the Functioning of the European Union, which does not provide for a role by the European Parliament; whereas Regulation (EU) 2016/369 was adopted by the Council on 15 March 2016;
  - C. whereas the Commission subsequently proposed a Draft amending budget aimed at creating the budget structure for that instrument and at making available, from redeployment within the heading 3 of the Multiannual Financial Framework (MFF), EUR 100 million in commitment appropriations and EUR 80,2 million in payment appropriations for immediate funding needs;
  - D. whereas the Commission estimates that this new instrument would require EUR 300 million in 2016 (followed by EUR 200 million in 2017 and EUR 200 million in 2018) but that further needs are likely to arise if the migrant and refugee flows continue at their current level;
  - E. whereas the Commission also proposes to reinforce the staffing levels of the European Counter-Terrorism Centre in EUROPOL and to provide the corresponding commitment and payment appropriations for an amount of EUR 2,0 million to be redeployed from the Internal Security Fund;
1. Welcomes the proposal by the Commission to enable the Union budget to provide emergency support within the Union territory in order to tackle the humanitarian consequences of the current refugee crisis; points to the deteriorating situation of migrants and asylum seekers, particularly due to the uncoordinated response by European countries, which makes such emergency support all the more necessary and urgent; stresses the need to show solidarity with the Member States facing such an emergency situation on their territory;
  2. Takes note of the solution proposed by the Commission as a matter of urgency; notes that, following the setting-up of two Trust Funds and of a Facility for Refugees in Turkey, a new ad hoc mechanism has been put in place without an overall strategy to address the refugee crisis and without ensuring the full observance of Parliament's prerogatives as co-legislator; points to the problem that the new instrument is not founded on a Commission proposal for a regulation under the ordinary legislative procedure; stresses that Parliament has always acted constructively and swiftly in support of all initiatives in connection with the refugee crisis, and is still doing so with

the rapid adoption of this amending budget;

3. Considers that a more sustainable legal and budgetary framework should be envisaged in order to allow for humanitarian aid within the Union to be mobilised in the future, when circumstances so require; notes that such emergency funding, meant at responding to crises and unforeseen situations, should by its very nature be covered by special instruments and be counted outside the MFF ceilings;
4. Welcomes the Commission's commitment not to divert appropriations from the external humanitarian aid budget; notes that the Commission proposes to finance the first instalment under this new instrument by redeploying appropriations from the Asylum, Migration and Integration Fund (AMIF) appropriations, which were already meant at ensuring burden-sharing between Member States in dealing with refugees; believes that the entire amount cannot be covered through redeployments without affecting the delivery of the AMIF, which is bound to come under pressure this year and might need further reinforcements if the relocation scheme is to reach full speed; considers, therefore, this EUR 100 million to be a frontloading of appropriations which will need to be compensated at a later stage; notes that there is no margin left under heading 3 and that the Flexibility Instrument has already been used in its entirety for 2016; supports, therefore, the mobilisation of the Contingency Margin for the remaining amount for this year as soon as necessary and invites the Commission to present a proposal in this respect; anticipates that an upward revision of the MFF ceiling for heading 3 will prove to be inevitable in order to address all needs linked to the refugee and migration crisis;
5. Approves the proposed increases in staffing for Europol's European Counter-Terrorism Centre considering the current security situation in the European Union; notes that these increases come on top of the ones already agreed in the framework of the recent revision of the Europol legal framework;
6. Urges the Commission to exclude all agencies dealing in the broader sense with migration and security from the 5% staff reduction target as they are all understaffed given the tremendous increase in workload and tasks over the past two years; calls on the Commission to ensure a balance between the JHA agencies respecting their workload and tasks;
7. Affirms its willingness to adopt Draft amending budget No 1/2016 as presented by the Commission, given the urgency of the situation;
8. Approves the Council position on Draft amending budget No 1/2016;
9. Instructs its President to declare that Amending budget No 1/2016 has been definitively adopted and to arrange for its publication in the Official Journal of the European Union;
10. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.

## **ANNEX: LETTER FROM THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

IPOL-COM-LIBE D (2016)14174

Mr Jean Arthuis  
Chair of the Committee on Budgets  
ASP 09G205

**Subject:**        *First Draft Amending Budget 2016*

Dear Chair,

The LIBE Committee welcomes the proposal by the Commission creating a Union budget line financing faster and more targeted emergency support within the European Union by expanding the range of financial instruments already available to date to address emergency situations within the Union.

However, the LIBE Committee is not convinced of the solution proposed by the European Commission to set up the new emergency mechanism for humanitarian assistance on the legal base of article 122 (1) of the Treaty on the Functioning of the European Union (TFEU) as a matter of urgency. Where a new fund is being created to provide humanitarian assistance within the Union, it seems entirely inappropriate to exclude one half of the legislator from the legislative process.

The LIBE Committee regrets that the urgency is created through a lack of a coherent strategy and vision for finding a solution to the migration crisis on the European level and insists that the EU should not have to resort regularly to budgetary procedures such as the flexibility instrument to finance the Union's migration policy. Nevertheless, the LIBE Committee welcomes that the new instrument will allow the Union to act in the spirit of solidarity and to address the basic need of disaster-struck people within the Union. The situation of migrants and asylum seekers has, indeed, more and more deteriorated, particularly in Greece where the economic situation is very difficult, and requires a common initiative at the European level. The LIBE committee expects that the new instrument will minimise the economic impact on the affected Member States that face or will face an emergency situation related to the migration crisis, especially those neighbouring to Greece.

Stressing that the Parliament has always acted constructively and swiftly in support of all initiatives in connection with the refugee crisis, the LIBE Committee requests to be fully kept informed through applicable budgetary procedures about the efficiency and added value of this new instrument compared to other already existing ones and on the appropriate measures taken by the EC in ensuring that actions financed under this new fund instrument will be correctly implemented in order to protect the financial interests of the EU against fraud, corruption and any other illegal activities.

Furthermore, the LIBE committee would welcome quantifiable information in this DAB regarding the average humanitarian assistance budget per refugee/migrants assisted. This information is needed to better understand the scope of the humanitarian assistance that is possible with this DAB and for exercising our legitimate financial control duties. Considering that about 55000 refugees are stuck in Greece at the time of writing this letter, this DAB corresponds to an average of 1818 euros per refugee. We would very much appreciate further explanation from the Commission on what the money will exactly be spent on.

The LIBE Committee requests also to be fully informed on the monitoring procedures that the Commission intends to use and on who carries out the impact assessment for this new financing instrument. Commissioner Christos Stylianides stated that the emergency assistance will be provided only through the Commission's humanitarian partners on the ground. For the sake of transparency, the LIBE Committee asks for a complete list of these partners and for detailed information on their activities.

We note, with regret, that this DAB will not mean fresh funds. We are concerned that 100 million euros will be transferred from the AMIF fund to this new Emergency Fund. This corresponds to about 10% of the 1 billion euros dedicated for the relocation of 160000 migrants over the period 2015-2017. Although the current rate of relocation is indeed much lower than expected, the Union should maintain its capacity to fulfil its legal obligations at all times, particularly with regard to such a crucial policy issue such as that of relocation. The LIBE Committee believes that this use of funds – dedicated for relocation – for another purpose must be a one-off exception.

Therefore the LIBE Committee believes that this special instrument by its very nature should be counted outside the ceilings of the Multiannual Financial Framework. We note that the Commission proposed to finance only the first instalment under this new instrument by redeploying appropriations from the Asylum, Migration and Integration Fund (AMIF). It should be pointed out that the AMIF fund itself is already quasi exhausted and that consequently this transfer is worrying. These 100 million Euro as a frontloading of appropriations will in our views need to be compensated at a later stage. The LIBE Committee notes that the margin left under Heading 3 and the Flexibility Instrument have already been used for 2016. We would therefore support to replenish the AMIF budget by mobilizing the Contingency Margin and invite the Commission to present a proposal for this. We also request that the forthcoming mid-term review of the MFF should match the budgetary reality of the current refugee and migration crisis, which was largely un-anticipated in 2013 when the MFF was negotiated.

The LIBE Committee welcomes the recruitment of 25 additional establishment plan posts, 5 contract agents and 5 seconded national experts within Europol, following the Paris Attacks on 13 November from the budget line set for funding actions improving the internal security of the EU. This corresponds to the immediate and future counter-terrorism activities of the agency after the Paris and Brussels attacks. The increased request of information exchange between the Member States via Europol in order for national authorities to be able to fight the very present terrorism threat in Europe efficiently will increase the workload of the agency. However, it is also worrying that the overall funds available for these objectives were not increased.

Finally, the LIBE Committee stresses that the financial needs of EASO to respond to the

refugee crisis are of very high importance and reminds that the additional needs of EASO were not fully taken on board, yet. The LIBE Committee therefore calls for an equivalent reinforcement of EASO human resources in the next DAB.

The LIBE Committee also urges the Commission to exclude all agencies dealing in the broader sense with migration and security issues from the 5 % staff reduction target as they are all understaffed given the tremendous increase in workload and tasks over the past two years.

Claude MORAES

## RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	11.4.2016
<b>Result of final vote</b>	+:               32 -:               5 0:                1
<b>Members present for the final vote</b>	Nedzhmi Ali, Jonathan Arnott, Jean Arthuis, Reimer Böge, Lefteris Christoforou, Jean-Paul Denanot, Gérard Deprez, José Manuel Fernandes, Eider Gardiazabal Rubial, Ingeborg Gräßle, Monika Hohlmeier, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Clare Moody, Siegfried Mureşan, Victor Negrescu, Younous Omarjee, Pina Picierno, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Daniele Viotti, Auke Zijlstra, Stanisław Żółtek
<b>Substitutes present for the final vote</b>	Xabier Benito Ziluaga, Mercedes Bresso, Sven Giegold, Anneli Jäätteenmäki, Giovanni La Via, Michał Marusik, Andrej Plenković, Marco Valli, Tomáš Zdechovský
<b>Substitutes under Rule 200(2) present for the final vote</b>	Susanne Melior, Josep-Maria Terricabras