



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Budgets*

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**2011/0366(COD)**

17.9.2012

## **OPINION**

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council  
establishing the Asylum and Migration Fund  
(COM(2011)0751 – C7-0443/2011 – 2011/0366(COD))

Rapporteur: Monika Hohlmeier

PA\_Legam

## SHORT JUSTIFICATION

### The Asylum and Migration Fund in the context of the legal framework for 2014-2020

This regulation on "establishing the Asylum and Migration Fund" is part of four legislative proposals which the Commission proposes in order to respond to the management of migration flows and security threats in the area of freedom, security and justice for the period 2014-2020. Funding for these activities is currently covered by a variety of separate Funds, such as the European Refugee Fund, the European Fund for the Integration of Third-Country Nationals, the European Return Fund, Prevention of and the fight against Crime (ISEC), Prevention, Preparedness and consequence management of Terrorism and other Security-related risks (CIPS) and by the External Borders Fund. The Commission proposes to simplify the structure of the home affairs programmes by reducing the number of Funds to two:

- the present Asylum and Migration Fund and
- an Internal Security Fund.

By doing so, the Commission seeks to better align spending at EU level with the Union's policy objectives. The new design of the next Multiannual Financial Framework is also seen as a chance to improve and simplify the way funding is delivered in the field of Home affairs. The two Funds shall function as far as possible with identical delivery mechanisms.

### The Home affairs budget

In June 2011 the Commission presented proposals on the Multiannual Financial Framework including a home affairs overall budget of EUR 10,9 billion for the period 2014-2020<sup>1</sup>.

This amount covers spending on financial programmes and also funding for large-scale IT systems and the EU agencies active in the home affairs area<sup>2</sup>.

Home affairs budget 2014-2020	EUR million (current prices)
<b>Asylum and Migration Fund</b> <i>including Resettlement Programme and European Migration Network</i>	<b>3,869</b>
Internal Security Fund <i>including new large-scale IT systems</i>	4,648
Existing large-scale IT systems and IT Agency	822
Agencies <i>(Europol, Frontex EASO, Cepol and EMCDDA)</i>	1,572
<b>Total</b>	<b>10,911</b>

The Asylum and Migration Fund will focus on the integrated management of migration flows covering different aspects of the common EU asylum and immigration policy: actions in relation to asylum, legal migration and the integration of third-country nationals, and return operations.

### The amendments

<sup>1</sup> COM(2011)500 final of 29 June 2011

<sup>2</sup> source: Communication of the European Commission "Building an open and secure Europe: the home affairs budget 2014 - 2020"- COM(2011)0749

The shared management method is increasingly being considered appropriate for all home affairs policy areas and has been extended to the area of internal security where it was not used previously. Consequently, it has to be ensured that the implementation in shared management is in line with the provisions of the Financial regulation. Therefore your Rapporteur proposes some amendments in order to strengthen control on implementation in shared management and to bring the wording into line with the revised Financial regulation.

## **AMENDMENTS**

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### **Amendment 1**

#### **Draft legislative resolution Paragraph 1 a (new)**

*Draft legislative resolution*

*Amendment*

***1a. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and cannot be fixed until agreement is reached on the proposal for a regulation laying down the multiannual financial framework for the years 2014-2020;***

### **Amendment 2**

#### **Draft legislative resolution Paragraph 1b (new)**

*Draft legislative resolution*

*Amendment*

***1b. Recalls its resolution of 8 June 2011 on "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"<sup>1</sup>; reiterates that sufficient additional resources are needed in the next MFF in order to enable the Union to fulfil its existing policy priorities and the new tasks provided for in the Treaty of Lisbon, as well as to respond to unforeseen events; points out that even with an increase in the level of resources***

*for the next MFF of at least 5% compared to the 2013 level only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity; challenges the Council, if it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value;*

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<sup>1</sup> *Texts adopted, P7\_TA(2011)0266.*

### **Amendment 3**

#### **Draft legislative resolution Paragraph 1 c (new)**

*Draft legislative resolution*

*Amendment*

*1c. Emphasises that, in view of the tasks already identified and concluded by the Union, the Commission needs to reflect those policy priorities in a foresighted and adequate manner in the proposal;*

### **Amendment 4**

#### **Draft legislative resolution Paragraph 1 d (new)**

*Draft legislative resolution*

*Amendment*

*1d. Reiterates that the Lisbon Treaty provides for delegated acts only as non-legislative acts of general application relating to non-essential elements of a legislative act; therefore upholds its criticism of the widespread use of delegated acts and insists that any essential element must be laid down in the legislative act in question;*

## Amendment 5

### Proposal for a regulation Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) In its resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe<sup>1</sup>, the European Parliament stressed the need for an integrated approach towards pressing immigration and asylum questions as well as towards the management of the external borders of the Union, with sufficient funding and support tools to handle emergency situations made available in a spirit of respect for human rights and solidarity amongst all Member States, respecting national responsibilities and a clear definition of tasks. It further noted that, in this regard, the increased challenges of FRONTEX, the European Asylum Support Office and the Funds on Solidarity and Management of Migration Flows need to be duly taken into consideration.***

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<sup>1</sup> *Texts adopted, P7\_TA(2011)0266.*

*Justification*

*Paragraph 107 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"*

## Amendment 6

### Proposal for a regulation Recital 2 b (new)

*Text proposed by the Commission*

*Amendment*

***(2b) In its resolution of 8 June 2011<sup>1</sup>, the European Parliament further emphasised***

*the need to develop better synergies between different funds and programmes and points to the fact that the simplification of the management of funds and allowing cross-financing enable the allocation of more funds to common objectives, welcomed the Commission's intention to reduce the total number of budgetary instruments in home affairs in a two pillar structure and where possible under shared management and expressed its belief that this approach should contribute significantly to an increased simplification, rationalisation, consolidation and transparency of the current funds and programmes. It stressed, however, the need to ensure that the different objectives of home affairs policies will not be mixed up.*

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<sup>1</sup> *Texts adopted, P7\_TA(2011)0266.*

#### *Justification*

*Paragraph 109 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"*

#### **Amendment 7**

##### **Proposal for a regulation**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States.

###### *Amendment*

(16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States. ***Technical***

*assistance is essential to enable the Member States to support the implementation of their national programmes, assist beneficiaries in complying with their obligations and Union law and in turn to increase the visibility of and accessibility to EU funds.*

## Amendment 8

### Proposal for a regulation

#### Recital 24

*Text proposed by the Commission*

(24) The Fund should be implemented in full respect with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union. In particular, eligible actions should take account of the specific situation of vulnerable persons, *in particular*, with special attention and dedicated responses to unaccompanied minors and other minors at risk.

*Amendment*

(24) The Fund should be implemented in full respect with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union *and the Geneva Convention of 28 July 1951*. In particular, eligible actions should take account of the specific situation of vulnerable persons, with special attention and dedicated responses to unaccompanied minors and other minors at risk.

## Amendment 9

### Proposal for a regulation

#### Recital 25

*Text proposed by the Commission*

(25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly

*Amendment*

(25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly



development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be ensured with the Union humanitarian policy, in particular as regards the implementation of emergency assistance.

development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be ensured with the Union humanitarian policy, in particular as regards the implementation of emergency assistance. ***The Commission acting together with the EEAS should set up an effective mechanism to ensure such coherence.***

## **Amendment 10**

### **Proposal for a regulation Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

***(35a) The simplification of the funding structures – while providing flexibility – should maintain predictability and reliability and a balanced share should be ensured for each objective of the fund through the national programmes. Therefore, a fair share of financial resources should be allocated under the Asylum and Migration Fund in the 2014-2020 Multiannual Financial Framework to ensure continuity in supporting the objectives of the Refugee Fund and Integration Fund of the 2007-2013 Financial Framework.***

## **Amendment 11**

### **Proposal for a regulation Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) Where the Commission implements the Union budget under shared management, implementation tasks should be delegated to Member States. The Commission and the Member States***

*should respect the principles of sound financial management, transparency and non-discrimination and ensure the visibility of Union action when they manage Union funds. To this end, the Commission and the Member States should fulfil their respective control and audit obligations, and assume the resulting responsibilities laid down in this Regulation. Complementary provisions should be laid down in sector-specific rules.*

## **Amendment 12**

### **Proposal for a regulation Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

*(42a) Spending of funds in this area should be better coordinated in order to assure complementarity, a better efficiency and visibility, as well as to achieve better budgetary synergies.*

## **Amendment 13**

### **Proposal for a regulation Recital 42 b (new)**

*Text proposed by the Commission*

*Amendment*

*(42b) There is a need to maximise the impact of EU funding by mobilising, pooling and leveraging public and private financial resources.*

## Amendment 14

### Proposal for a regulation Recital 42 c (new)

*Text proposed by the Commission*

*Amendment*

***(42c) Utmost transparency, accountability and democratic scrutiny for innovative financial instruments and mechanisms that involve the Union budget should be ensured.***

## Amendment 15

### Proposal for a regulation Recital 42 d (new)

*Text proposed by the Commission*

*Amendment*

***(42d) Better implementation and quality of spending should constitute guiding principles for achieving the objectives of the Fund while ensuring optimal use of the financial resources.***

## Amendment 16

### Proposal for a regulation Recital 42 e (new)

*Text proposed by the Commission*

*Amendment*

***(42e) It is important to ensure the sound financial management of the Fund and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the Fund to all participants.***

## Amendment 17

### Proposal for a regulation Recital 42 f (new)

*Text proposed by the Commission*

*Amendment*

***(42f) The Commission should annually monitor the implementation of the Fund with the aid of key indicators for assessing results and impacts. These indicators, including relevant baselines, should provide the minimum basis for assessing the extent to which the objectives of the Fund have been achieved.***

## Amendment 18

### Proposal for a regulation Article 2 – point f – point i

*Text proposed by the Commission*

*Amendment*

(i) ***heavy migratory pressure in*** one or more Member States ***characterised by a large and*** disproportionate inflow of third-country nationals which place significant and urgent demands on their reception ***and detention*** facilities, asylum systems ***and procedures***,

(i) one or more Member States ***facing*** disproportionate ***asylum requests and a large*** inflow of third-country nationals which place significant and urgent demands on their ***technical, administrative,*** reception ***infrastructure*** facilities ***and*** asylum systems,

## Amendment 19

### Proposal for a regulation Article 3 – paragraph 2 – point b – second subparagraph

*Text proposed by the Commission*

*Amendment*

The achievement of this objective shall be measured by indicators, inter alia, the level of increased participation of third-country nationals in employment, education and in democratic processes.

The achievement of this objective shall be measured by ***qualitative and quantitative*** indicators, inter alia the level of increased participation of third-country nationals in employment, education and in democratic processes.

## Amendment 20

### Proposal for a regulation

#### Article 3 – paragraph 2 – point d – first subparagraph

*Text proposed by the Commission*

(d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

*Amendment*

(d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows, ***including through practical cooperation.*** .

## Amendment 21

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) establishment and improvement of administrative structures, systems and training for staff, administrative and judicial authorities, judicial assistance to ensure an easy, efficient and smooth regularisation process for all claims of asylum and migration;***

## Amendment 22

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

***(ab) establishment, improvement and maintenance of accommodation infrastructures and services;***

## Amendment 23

### Proposal for a regulation

#### Article 14 – paragraph 1

*Text proposed by the Commission*

1. The **global resources** for the implementation of this Regulation shall be EUR 3,869 million.

*Amendment*

1. The **prime reference financial envelope as defined in point [17] of the Interinstitutional Agreement of XX/201Z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management** for the implementation of this Regulation **for the years 2014 - 2020** shall be EUR 3,869 million.

**Amendment 24**

**Proposal for a regulation  
Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The annual appropriations for the Fund shall be authorised by the budgetary authority **within** the **limits** of the financial framework.

*Amendment*

2. The annual appropriations for the Fund shall be authorised by the budgetary authority **without prejudice to the provisions of the Regulation laying down the multiannual financial framework for the years 2014-2020 and the Interinstitutional Agreement of xxx/201z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management.**

**Amendment 25**

**Proposal for a regulation  
Article 14 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The **global resources** shall be implemented through the following means:

*Amendment*

3. The **prime reference financial envelope** shall be implemented through the following means:

## Amendment 26

### Proposal for a regulation Article 14 – paragraph 4

*Text proposed by the Commission*

4. The global resources available under this Regulation shall be implemented under shared management in accordance with [point (b) of Article 55(1) of the New Financial Regulation]<sup>1</sup>, ***with the exception of Union actions referred to in Article 21, the emergency assistance referred to in Article 22, the European Migration Network referred to in Article 23, and technical assistance referred to in Article 24.***

<sup>1</sup> ***Triennial revision of the Financial Regulation - Commission proposal COM(2010)0260.***

*Amendment*

4. The ***prime reference financial envelope*** available under this Regulation shall be implemented ***under direct management (in particular the Union actions referred to in Article 21, the emergency assistance referred to in Article 22, the European Migration Network referred to in Article 23, and technical assistance referred to in Article 24)*** or under shared management in accordance with [point (b) of Article 55(1) of the New Financial Regulation]<sup>1</sup>.

<sup>1</sup> ***Regulation on the financial rules applicable to the annual budget of the Union (COM(2010)815 final of 22.12.2010).***

*Justification*

*Implementation of the EU's budget under shared management should be the exception, not the rule.*

## Amendment 27

### Proposal for a regulation Article 14 – paragraph 4a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The Commission remains responsible for the implementation of the Union budget in accordance with Article 317 TFEU and shall inform the European Parliament and the Council on the operations carried out by entities other than Member States.***

## Amendment 28

### Proposal for a regulation Article 14 – paragraph 5 – introductory part

*Text proposed by the Commission*

5. **The global resources** shall be used indicatively as follows:

*Amendment*

5. **Without prejudice to the prerogatives of the budgetary authority, the prime reference financial envelope** shall be used indicatively as follows:

## **Amendment 29**

### **Proposal for a regulation**

#### **Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. EUR 3,232 million shall be allocated to the Member States indicatively as follows:

*Amendment*

1. **Without prejudice to the prerogatives of the budgetary authority**, EUR 3,232 million shall be allocated to the Member States indicatively as follows:

## **Amendment 30**

### **Proposal for a regulation**

#### **Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The funding allocated for the achievement of the objectives laid down in Article 3(2) shall be apportioned on a fair, balanced and transparent basis. Member States shall ensure that all actions financed by the Fund are compatible with the acquis of the Union in the areas of asylum and immigration, even if they are not bound by associated measures or subject to their application.**

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 21 – paragraph 3 a (new)**



*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall ensure a fair and equitable distribution of funds in respect of each of the objectives referred in Article 3(2).***

## **Amendment 32**

### **Proposal for a regulation Article 22 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation.

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation, ***as referred to in Article 2(f).***

## **PROCEDURE**

<b>Title</b>	Asylum and Migration Fund
<b>References</b>	COM(2011)0751 – C7-0443/2011 – 2011/0366(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 15.12.2011
<b>Opinion by</b> Date announced in plenary	BUDG 15.12.2011
<b>Rapporteur</b> Date appointed	Monika Hohlmeier 15.2.2012
<b>Date adopted</b>	6.9.2012
<b>Result of final vote</b>	+: 31 –: 2 0: 1
<b>Members present for the final vote</b>	Marta Andreasen, Richard Ashworth, Reimer Böge, Zuzana Brzobohatá, Jean-Luc Dehaene, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Jens Geier, Ingeborg Gräßle, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, George Lyon, Claudio Morganti, Jan Mulder, Juan Andrés Naranjo Escobar, Dominique Riquet, Derek Vaughan, Angelika Werthmann
<b>Substitute(s) present for the final vote</b>	Burkhard Balz, Maria Da Graça Carvalho, Edit Herczog, Jürgen Klute, Constanze Angela Krehl, Peter Šťastný, Georgios Stavrakakis
<b>Substitute(s) under Rule 187(2) present</b>	Luigi Berlinguer

for the final vote