



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Development

2011/0366(COD)

5.9.2012

OPINION

of the Committee on Development

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 – C7-0433/2011 – 2011/0366(COD))

Rapporteur: Michèle Striffler

PA_Legam

AMENDMENTS

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

Amendment 1

Proposal for a regulation Indent 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2) **and** 79(2) and (4) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2), 79(2) and (4) **and 208(1)** thereof,

Amendment 2

Proposal for a regulation Indent 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the European Consensus on Development and the European Consensus on Humanitarian Aid,

Amendment 3

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The Union's objective to constitute an area of freedom, security and justice should be achieved, inter alia, through common measures framing a policy on asylum and immigration, based on solidarity between Member States, which is fair towards *third-countries* and their nationals. The European Council of 2 December 2009 recognised that financial resources within the Union should be made increasingly

Amendment

(1) The Union's objective to constitute an area of freedom, security and justice should be achieved, inter alia, through common measures framing a policy on asylum and immigration, based on solidarity between Member States, which is fair towards *third countries* and their nationals. ***This objective should be implemented within the framework of the European Consensus on Development, which***

flexible and coherent, both in terms of scope and of applicability, to support policy developments in the field of asylum and migration.

requires the EU to take account of development cooperation objectives in all the policies that it implements which are likely to affect developing countries. The European Council of 2 December 2009 recognised that financial resources within the Union should be made increasingly flexible and coherent, both in terms of scope and of applicability, to support policy developments in the field of asylum and migration.

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) The Fund should express solidarity through financial assistance to Member States. It should enhance the effective management of migration flows to the Union in areas where the Union adds maximum value, in particular by sharing responsibility between Member States and sharing responsibility and strengthening cooperation with third countries.

Amendment

(3) The Fund should express solidarity through financial assistance to Member States. It should enhance the effective management of migration flows to the Union in areas where the Union adds maximum value, in particular by sharing responsibility between Member States and sharing responsibility and strengthening cooperation with third countries. ***Civil society organisations and local and regional authorities in the Member States and in third countries should participate in the process of programming, implementing and evaluating the multiannual programmes financed through this Fund. The European Parliament and the national parliaments of partner countries should also be informed and consulted in good time on the activities carried out under the Fund.***

Amendment 5

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 *while ensuring* full respect *for* the rights and principles enshrined in the Charter of Fundamental Rights of the European Union ***and in the United Nations conventions on human rights***. In particular, eligible actions should take account of the ***human-rights-based approach to the protection of migrants, refugees and asylum-seekers, and especially the*** specific situation of vulnerable persons, with ***women***, unaccompanied minors and other minors at risk ***receiving special attention and dedicated responses***.

Amendment 6

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 *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***

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 *that are directly oriented towards development* and they should complement, when appropriate, the financial assistance provided through external aid instruments ***while respecting the principle of policy coherence for development, as required by***

regards the implementation of emergency assistance.

Article 35 of the Consensus on Development. It will also be **important to ensure that** the implementation of emergency assistance **is consistent with and complementary to the Union humanitarian policy and respects humanitarian principles as set out in the Consensus on Humanitarian Aid.**

Amendment 7

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) It is important for enhanced solidarity that the Fund provides additional support to address emergency situations of heavy migratory pressure in Member States or *third-countries* or in the event of mass influx of displaced persons, pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, through emergency assistance.

Amendment

(36) It is important for enhanced solidarity that the Fund provides, **in coordination and synergy with the humanitarian assistance managed by the European Community Humanitarian Aid Office (ECHO)**, additional support to address emergency situations of heavy migratory pressure in Member States or *third countries* or in the event of mass influx of displaced persons, pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, through emergency assistance.

Amendment 8

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. The general objective of the Fund shall be to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and

Amendment

1. The general objective of the Fund shall be to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and

the common immigration policy.

the common immigration policy, ***while respecting policy coherence for development and the human-rights-based approach to the protection of migrants, refugees and asylum-seekers.***

Amendment 9

Proposal for a regulation

Article 3 – paragraph 2 – point a – subparagraph 2

Text proposed by the Commission

The achievement of this objective shall be measured by indicators, inter alia, the level of improvement in asylum reception conditions, in the quality of asylum procedures, in the convergence of recognition rates across Member States, and in Member States' resettlement efforts.

Amendment

The achievement of this objective shall be measured by indicators, inter alia, the level of improvement in asylum reception conditions, ***particularly at borders***, in the quality of asylum procedures, in the convergence of recognition rates across Member States, and in Member States' resettlement efforts.

Amendment 10

Proposal for a regulation

Article 3 – paragraph 2 – point b – subparagraph 1

Text proposed by the Commission

(b) to support legal migration to the Union in line with the economic and social needs of Member States ***and*** promote the effective integration of third-country nationals, including ***of*** asylum seekers and beneficiaries of international protection;

Amendment

(b) to support legal migration to the Union in line with the economic and social needs of Member States, promote the effective integration of third-country nationals ***and strengthen respect for the fundamental rights of migrants***, including asylum seekers and beneficiaries of international protection;

Amendment 11

Proposal for a regulation

Article 3 – paragraph 2 – point b – subparagraph 2

Text proposed by the Commission

The achievement of this objective shall be measured by indicators, inter alia, the level of increased participation of third-country

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.

nationals in employment, education and in democratic processes. ***The measures implemented to achieve this objective must take account of the consequences of the brain drain in third countries and alleviate them.***

Amendment 12

Proposal for a regulation

Article 3 – paragraph 2 – point c – subparagraph 2

Text proposed by the Commission

The achievement of this objective shall be measured by indicators, *inter alia*, the number of returnees.

Amendment

The achievement of this objective shall be measured by indicators, *inter alia*, the number of returnees, ***the durability of repatriation measures and the number of voluntary returns.***

Amendment 13

Proposal for a regulation

Article 3 – paragraph 2 – point d – subparagraph 1

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 solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows ***and to support a constant dialogue with civil society organisations for the development of national programmes.***

Amendment 14

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Civil society organisations, local and regional authorities and national parliaments in the Member States and in third countries shall be consulted during the process of programming, implementing and evaluating the

programmes financed through the Fund.

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Achieving these objectives shall be the responsibility of the Member States, international organisations, non-governmental organisations and local and/or regional authorities.

Amendment 16

Proposal for a regulation

Article 3 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission shall regularly monitor and examine the objectives of the Fund and evaluate the results of implementation, as well as the effectiveness of programming, through independent external evaluations, in order to ensure that the objectives have been achieved and to allow recommendations to be drawn up to improve future action. Due account shall be taken of proposals by the European Parliament or the Council concerning independent external evaluations. The Commission shall ensure that all stakeholders, including civil society, national parliaments and local authorities, are involved in the evaluation process for Union aid granted under this Regulation.

Amendment 17

Proposal for a regulation Article 8 – introductory part

Text proposed by the Commission

In order to facilitate legal migration to the Union and better to prepare persons referred to in point (g) of Article 4(1) for their integration into the receiving society within the specific objective defined in point (b) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the following actions taking place in the country of origin, shall in particular be eligible:

Amendment 18

Proposal for a regulation Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Within the specific objective defined in point (b) of Article 3(2), eligible actions shall take place in the framework of consistent strategies, implemented by non-governmental organisations, local and/or regional authorities and specifically designed for the integration, at the local and/or regional level, as appropriate, of persons referred to in points (a) to (g) of Article 4(1). In this context, eligible actions shall in particular include the following:

Amendment

In order to facilitate legal migration to the Union and better to prepare persons referred to in point (g) of Article 4(1) for their integration into the receiving society within the specific objective defined in point (b) of Article 3(2) and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the following actions taking place in the country of origin shall in particular be eligible, ***while respecting policy coherence for development and, in particular, EU commitments in support of combating the brain drain.***

Amendment

1. Within the specific objective defined in point (b) of Article 3(2), eligible actions shall take place in the framework of consistent strategies, implemented by ***international organisations***, non-governmental organisations *and* local and/or regional authorities and specifically designed for the integration, at local and/or regional level, as appropriate, of persons referred to in points (a) to (g) of Article 4(1). In this context, eligible actions shall in particular include the following:

Amendment 19

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. At the Commission’s initiative, the Fund may be used to finance transnational actions or actions of particular interest to the Union, concerning the general and specific objectives referred to in Article 3.

Amendment

1. At the Commission’s initiative, the Fund may be used to finance transnational actions or actions of particular interest to the Union, concerning the general and specific objectives referred to in Article 3, ***while respecting policy coherence for development.***

Amendment 20

Proposal for a regulation Article 21 – paragraph 2 – point f

Text proposed by the Commission

(f) cooperation with third countries, in particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes.

Amendment

(f) cooperation with third countries, in particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes, ***in coordination and synergy with the development funds managed by the Directorate-General for Development and Cooperation (EuropeAid) targeting action on migration and asylum in those countries.***

Amendment 21

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation. ***Measures implemented in third countries in line with this Article must be consistent with and complementary to the***

*Union humanitarian policy and respect
humanitarian principles as set out in the
Consensus on Humanitarian Aid.*

PROCEDURE

Title	Asylum and Migration Fund
References	COM(2011)0751 – C7-0443/2011 – 2011/0366(COD)
Committee responsible Date announced in plenary	LIBE 15.12.2011
Opinion by Date announced in plenary	DEVE 15.12.2011
Rapporteur Date appointed	Michèle Striffler 15.2.2012
Discussed in committee	9.7.2012
Date adopted	3.9.2012
Result of final vote	+: 24 –: 0 0: 0
Members present for the final vote	Thijs Berman, Ricardo Cortés Lastra, Nirj Deva, Leonidas Donskis, Catherine Grèze, Eva Joly, Filip Kaczmarek, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Keith Taylor, Patrice Tirolien, Anna Záborská, Iva Zanicchi
Substitute(s) present for final vote	Santiago Fisas Aixela, Enrique Guerrero Salom, Fiona Hall, Gesine Meissner, Horst Schnellhardt
Substitute(s) under Rule 187(2) present for the final vote	Phil Prendergast