



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2011/0366(COD)

12.12.2012

*****I**

DRAFT MANDATE

for interinstitutional negotiations¹

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))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sylvie Guillaume

¹ Adopted by the Committee on Civil Liberties, Justice and Home Affairs at its meeting on 10 December 2012 according to rule 70(2) of Parliament's Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in bold italics. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in bold. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

Amendment 1

Draft legislative resolution Citation 6 a (new)

Draft legislative resolution

Amendment

– having regard to its resolution of 18 May 2010 on the establishment of a joint EU resettlement programme¹ namely the paragraphs on the creation of a European Resettlement Unit;

¹ *OJ C 161 E, 31.5.2011, p. 1.*

Amendment 2

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 3

Draft legislative resolution Paragraph 1 b (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"¹; 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;

¹ *Texts adopted, P7_TA(2011)0266.*

Amendment 4

Draft legislative resolution Paragraph 1 c (new)

Draft legislative resolution

Amendment

Ic. 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 5

Proposal for a regulation Citation 1

Text proposed by the Commission

Amendment

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

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2), 79(2) and (4), **and 80** thereof,

Amendment 6

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 Europe¹, 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.

¹ 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 7

Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) In its resolution of 8 June 2011¹, 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.

¹ *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 8

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The fund should provide support for establishing measures which would enable asylum seekers to access Union asylum system in a safe manner without resorting to people smugglers or criminal networks and without putting their lives in danger.

Amendment 9

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The resources of the Fund should be used consistently with the Common Basic Principles on Integration, as specified in the Common Programme for Integration.

Amendment 10

Proposal for a regulation

Recital 16

Text proposed by the Commission

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.

(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 11

Proposal for a regulation

Recital 23

Text proposed by the Commission

Amendment

(23) The Fund should complement and reinforce the activities undertaken by the European Agency for the Management of

(23) The Fund should complement and reinforce the activities undertaken by the European Agency for the Management of

Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency) established by Council Regulation (EC) No 2007/2004 of 26 October 2004 , one of the tasks of which is to provide the necessary support for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and the removal of third country nationals illegally present in the territories of the Member States.

Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency) established by Council Regulation (EC) No 2007/2004 of 26 October 2004 , one of the tasks of which is to provide the necessary support for organising joint return operations of Member States and identify best practices on the acquisition of travel documents and the removal of third country nationals illegally present in the territories of the Member States. ***It should also enable the Agency to fulfil its obligations and those of the Union and the Member States regarding sea rescue.***

Amendment 12

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 in international instruments, in particular the Geneva Convention of 28 July 1951, the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on the Elimination of All Forms of Racial Discrimination, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.*** 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 13

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 regards*** the implementation of emergency assistance.

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 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 14

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) A large part of the available resources under the Fund should be allocated proportionally to the responsibility borne by each Member State through its efforts in managing migration flows on the basis of objective criteria. For that purpose, the latest available statistical data relating to the migration flows, such as the number of first asylum applications, the number of positive decisions granting refugee or subsidiary protection, the number of resettled refugees, the number of legally residing third-country nationals, the number of third-country nationals who have obtained an authorisation issued by a Member State to reside, the number of return decisions issued by the national authorities and the number of effected returns should be used.

Amendment

(26) A large part of the available resources under the Fund should be allocated proportionally to the responsibility borne by each Member State through its efforts in managing migration flows on the basis of objective criteria. For that purpose, the latest available statistical data relating to the migration flows, such as the number of first asylum applications, the number of positive decisions granting refugee or subsidiary protection, the number of resettled refugees, the number of legally residing third-country nationals, the number of third-country nationals who have obtained an authorisation issued by a Member State to reside, ***the number of irregular migrants apprehended at the external borders of the Member States***, the number of return decisions issued by the national authorities and the number of effected returns should be used. ***In addition, however, it is important to take account of the economic resources of each Member State as well as its geographical size. In-depth research is also necessary to identify and quantify actual costs for the Member States.***

Amendment 15

**Proposal for a regulation
Recital 29**

Text proposed by the Commission

(29) In the light of the progressive establishment of a Union Resettlement Programme, the Fund should provide targeted assistance in the form of financial incentives (lump sums) for each resettled refugee.

Amendment

(29) In the light of the progressive establishment of a Union Resettlement Programme, the Fund should provide targeted assistance in the form of financial incentives (lump sums) for each resettled refugee. ***The Commission in cooperation with the EASO and according to their respective competences should monitor the effective implementation of***

resettlement operations supported under the Fund.

Amendment 16

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) To enhance the solidarity and share better the responsibility between the Member States, in particular towards those most affected by asylum flows, a similar mechanism based on financial incentives should also be established for relocation of beneficiaries of international protection.

Amendment

(33) To enhance the solidarity and share better the responsibility between the Member States, in particular towards those most affected by asylum flows, a similar mechanism based on financial incentives should also be established for relocation of beneficiaries of international protection. ***The mechanism should have sufficient resources to compensate Member States receiving higher numbers of asylum seekers and beneficiaries of international protection, either in absolute or proportional terms, and to help those with less-developed asylum systems.***

Amendment 17

Proposal for a regulation Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) To this end, technical assistance is essential to enable Member States to implement their national programmes, assist beneficiaries, meet their obligations, comply with Union law and hence enhance the visibility and accessibility of EU funding.

Amendment 18

Proposal for a regulation Recital 35 b (new)

Text proposed by the Commission

Amendment

(35b) While meeting flexibility criteria, the structural simplification of instruments and expenditure should continue to fulfil requirements in terms of predictability and reliability and ensure a fair and transparent distribution of resources under the Asylum and Migration Fund.

Amendment 19

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 20

Proposal for a regulation Recital 36

Text proposed by the Commission

Amendment

(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

(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

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.

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 21

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) This Regulation should ensure the continuation of the European Migration Network set up by Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network and provide financial assistance necessary for its activities in line with its objectives and tasks as set out in this Regulation.

Amendment

(37) This Regulation should ensure the continuation of the European Migration Network set up by Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network and provide financial assistance necessary for its activities in line with its objectives and tasks as set out in this Regulation. ***In this respect, safeguards should be included within the asylum and migration fund in order to prevent the excessive allocation of funds to only one policy area at the expense of the Common European Asylum System as a whole.***

Amendment 22

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 23

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 24

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 25

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 26

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 27

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 28

Proposal for a regulation Recital 43

Text proposed by the Commission

Amendment

(43) For the purpose of its management and implementation, the Fund should form part of a coherent framework consisting of this Regulation and Regulation (EU) No [.../...] of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument of financial support for police cooperation, preventing and

(43) For the purpose of its management and implementation, the Fund should form part of a coherent framework consisting of this Regulation and Regulation (EU) No [.../...] of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument of financial support for police cooperation, preventing and

combating crime, and crisis management.

combating crime, and crisis management.
For the purpose of this Fund, however, the partnership referred to in Article 12 of Regulation (EU) No .../... [Horizontal Regulation] should include amongst the participating authorities the competent regional, local and municipal authorities, international organisations and bodies representing civil society, such as non-governmental organisations and social partners.

Amendment 29
Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. This Regulation provides for the application of the *the* rules set out in Regulation (EU) No ... [Horizontal Regulation].

Amendment

3. This Regulation provides for the application of the rules set out in Regulation (EU) No ... [Horizontal Regulation], ***without prejudice to Article 4(a) of this Regulation.***

Amendment 30
Proposal for a regulation
Article 2 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) ‘resettlement’ means the process whereby, on a request from the United Nations High Commissioner for Refugees (UNHCR) based on a person’s need for international protection, third-country nationals or stateless persons ***having the status defined by the Geneva Convention of 28 July 1951 and who are permitted to reside as refugees in one of the Member States*** are transferred from a third-country and established in a Member State where they are permitted to reside with one of the following statuses:

Amendment

(a) ‘resettlement’ means the process whereby, on a request from the United Nations High Commissioner for Refugees (UNHCR) based on a person’s need for international protection, third-country nationals or stateless persons are transferred from a third-country and established in a Member State where they are permitted to reside with one of the following statuses:

Amendment 31
Proposal for a regulation
Article 2 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) refugee status within the meaning of point 2(**d**) of Article 2 of Directive 2004/83/EC or

Amendment

(i) refugee status within the meaning of point 2(**e**) of Article 2 of Directive 2011/95/EU or

Amendment 32
Proposal for a regulation
Article 2 – paragraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(ia) subsidiary protection status within the meaning of Article 2(g) of Directive 2011/95/EU or

Amendment 33
Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) ‘relocation’ means the process whereby persons referred to in points (a) and (b) of Article 4(1) are transferred from the Member State which granted them international protection to another Member State where they will be granted equivalent protection, or persons falling within the category referred to in point (c) of Article 4(1), are transferred from the Member State which is responsible for examining their application to another Member State where their application for international protection will be examined.

(b) ‘relocation’ means the process whereby persons referred to in points (a) and (b) of Article 4(1) are transferred from the Member State which granted them international protection to another Member State where they will be granted **immediately** equivalent protection, or persons falling within the category referred to in point (c) of Article 4(1), are transferred from the Member State which is responsible for examining their application to another Member State where their application for international protection will be examined.

Amendment 34
Proposal for a regulation
Article 2 – paragraph 1 – point f – point i

Text proposed by the Commission

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

Amendment

(i) **specific pressures** in one or more Member States characterised by **the sudden arrival of a large number** of third-country nationals, which places significant and urgent demands on their reception and detention facilities, asylum systems and procedures, **or**

Amendment 35

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 the common immigration policy.

Amendment

1. The general objective of the Fund, as part of the area of freedom, security and justice, **shall be to strengthen and develop** common policy on asylum, subsidiary protection and temporary protection and **to strengthen and develop** 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 36

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 **the Commission against both qualitative and quantitative** indicators, inter alia, the level of improvement in asylum reception conditions, in the quality of asylum procedures **and increased convergence of decision-making in similar case profiles**, in the **provision of reliable, objective and up-to-date information on countries of origin** and in resettlement efforts.

Amendment 37

Proposal for a regulation

Article 3 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) to support measures for safe access to Europe's asylum system;

The achievement of this objective shall be measured by indicators, inter alia, the opportunities that asylum seekers have to access Union asylum system in a safe manner without resorting to people smugglers and criminal networks and without putting their lives in danger.

Amendment 38

Proposal for a regulation

Article 3 – paragraph 2 – point b – subparagraph 1

Text proposed by the Commission

Amendment

(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;

(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 39

Proposal for a regulation

Article 3 – paragraph 2 – point b – subparagraph 2

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

The achievement of this objective shall be measured by **the Commission against both qualitative and quantitative** indicators, inter alia, the level of increased participation of third-country nationals **and**

democratic processes.

stateless persons in employment, education and in democratic processes, *access to housing and healthcare*.

Amendment 40

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 *the Commission against both qualitative and quantitative* indicators *such as*, inter alia, the number of returnees, *the number of persons having benefited from reintegration measures (either prior or subsequent to their return), the number of voluntary returns, and the quality of the systems for monitoring enforced returns*.

Amendment 41

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 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 42

Proposal for a regulation

Article 3– paragraph 2 – point d – subparagraph 2

Text proposed by the Commission

The achievement of this objective shall be measured by indicators, inter alia, the level of increased mutual assistance between Member States including through practical

Amendment

The achievement of this objective shall be measured by *the Commission against both qualitative and quantitative* indicators, inter alia, the level of increased mutual

cooperation and relocation.

assistance between Member States including through practical cooperation and relocation, ***and the level of human resources made available through EASO.***

Amendment 43

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall provide the Commission with the necessary information that is required for the assessment of the achievements, as measured by the indicators.

Amendment 44

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The achievement of the specific objectives referred to in paragraph 2 shall be measured by both qualitative and quantitative cross-cutting indicators, inter alia improvement of child protection provisions, promotion of respect for family life, access to basic services and assistance to unaccompanied minors regardless of their residence status.

Amendment 45

Proposal for a regulation

Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Measures taken to achieve the objectives defined in paragraphs 1 and 2 shall be fully coherent with and complementary to measures supported through the external financing

instruments of the Union and comply with the objectives and principles of the Union external action.

Amendment 46
Proposal for a regulation
Article 3 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The objectives laid down in paragraphs 1 and 2 shall be achieved with due regard for the principles and objectives of the Union’s humanitarian policy. Consistency and complementarity with the measures funded by the Union’s external financing instruments shall be ensured in accordance with Article 24a.

Amendment 47
Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2004/83/EC;

(b) any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2011/95/EU;

Amendment 48
Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) any third-country national who is residing legally in a Member State or who is in the process of acquiring legal residence in a Member State;

(f) any third-country national **or stateless person** who is residing legally in a Member State or who is in the process of acquiring legal residence in a Member State;

Amendment 49

Proposal for a regulation

Article 4 – paragraph 1 – point g

Text proposed by the Commission

(g) any third-country national who is on the territory of a third country, who intend to migrate to the Union and who comply with specific pre-departure measures and/or conditions set out in national law, including those relating to the ability to integrate in the society of a Member State;

Amendment

(g) any third-country national **or stateless person** who is on the territory of a third country, who intend to migrate to the Union and who comply with specific pre-departure measures and/or conditions set out in national law, including those relating to the ability to integrate in the society of a Member State;

Amendment 50

Proposal for a regulation

Article 4 – paragraph 1 – point h

Text proposed by the Commission

(h) any third-country national who has not yet received a final negative decision in relation to their request to stay, legal residence and/or international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;

Amendment

(h) any third-country national **or stateless person** who has not yet received a final negative decision in relation to their request to stay, legal residence and/or international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;

Amendment 51

Proposal for a regulation

Article 4 – paragraph 1 – point i

Text proposed by the Commission

(i) any third-country national enjoying the right to stay, legal residence or a form of international protection within the meaning of Directive **2004/83/EC** or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who

Amendment

(i) any third-country national **or stateless person** enjoying the right to stay, legal residence or a form of international protection within the meaning of Directive **2011/95/EU** or temporary protection within the meaning of Directive

has chosen to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;

2001/55/EC in a Member State, and who has chosen to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;

Amendment 52

Proposal for a regulation

Article 4 – paragraph 1 – point j

Text proposed by the Commission

(j) any third-country national who does not or no longer fulfil the conditions for entry and/or stay in a Member State.

Amendment

(j) any third-country national ***or stateless person present on the territory of a Member State*** who does not or no longer fulfil the conditions for entry and/or stay in a Member State ***including third country nationals whose return process has been formally or informally postponed.***

Amendment 53

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Partnership

For the purposes of this Fund, the partnership referred to in Article 12 of Regulation (EU) No .../... [Horizontal Regulation] shall include amongst the participating authorities the competent regional, local and municipal authorities, international organisations and bodies representing civil society, such as non-governmental organisations and social partners.

Amendment 54

Proposal for a regulation

Article 5 – paragraph 1 – point a

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Text proposed by the Commission

(a) provision of material aid, education, training, support services, health and psychological care;

Amendment

(a) provision of material aid, ***including humanitarian assistance at the border***, education, training, support services, health and psychological care;

Amendment 55
Proposal for a regulation
Article 5 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) setting up and improvement of administrative structures, systems and training for staff and relevant administrative and judicial authorities so as to ensure smooth and easy access to asylum procedures for asylum seekers and ensure efficient and high-quality asylum procedures;

Amendment 56
Proposal for a regulation
Article 5 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) improvement and maintenance of existing accommodation infrastructure and services;

Amendment 57
Proposal for a regulation
Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, persons

(d) specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, persons

with serious physical illnesses, mental illnesses or post-traumatic disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;

with serious physical illnesses, mental illnesses or post-traumatic disorders, ***persons at risk of violence due to a personal characteristic referred to in Article 21 of the Charter of Fundamental Rights***, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;

Amendment 58

Proposal for a regulation

Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) information for local communities as well as training for the staff of local authorities, who will be interacting with those being received;

Amendment

(e) information for local communities as well as training for the staff of local authorities, who will be interacting with those being received, ***especially on compliance with fundamental rights of asylum seekers; this includes training for staff who will be interacting with vulnerable persons referred to in point (d)***;

Amendment 59

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(fa) establishment, development and improvement of alternative measures to detention.

Amendment 60

Proposal for a regulation

Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) establishment, development and

Amendment

(a) establishment, development ***running***

improvement of accommodation infrastructure and services;

and improvement of accommodation infrastructure and services;

Amendment 61

Proposal for a regulation

Article 5 – paragraph 2 – point b

Text proposed by the Commission

(b) setting up of administrative structures, systems and training of staff and relevant judicial authorities to ensure smooth and easy access to asylum procedures for asylum seekers and efficient and quality asylum procedures.

Amendment

(b) setting up of administrative structures, systems and training of staff and relevant **administrative and** judicial authorities to ensure smooth and easy access to asylum procedures for asylum seekers and efficient and quality asylum procedures.

Amendment 62

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) actions enhancing the capacity of Member States to collect, analyse and disseminate data **and statistics** on asylum procedures, reception capacities, resettlement and relocation actions;

Amendment

(a) actions enhancing the capacity of Member States - **including in relation to the mechanism for early warning, preparedness and crisis management established in Regulation (EU) No [.../...] [the Dublin Regulation]** - to collect, analyse and disseminate **qualitative and quantitative** data on asylum procedures, reception capacities, resettlement and relocation actions;

Amendment 63

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) actions directly contributing to the evaluation of asylum policies, such as national impact assessments, surveys amongst target groups, the development of indicators and benchmarking.

Amendment

(b) actions directly contributing to the evaluation of asylum policies, such as national impact assessments, surveys amongst target groups **and other relevant stakeholders**, the development of

indicators and benchmarking.

Justification

Assessment practices must be as inclusive as possible.

Amendment 64

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) establishment of appropriate infrastructure and services to ensure the smooth and effective implementation of resettlement and relocation actions;

Amendment

(b) establishment of appropriate infrastructure and services to ensure the smooth and effective implementation of resettlement and relocation actions, ***including language assistance and complying with the fundamental rights of the persons concerned;***

Amendment 65

Proposal for a regulation

Article 7 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) actions for family reunification purposes for persons being resettled in a Member State;

Amendment 66

Proposal for a regulation

Article 7 – paragraph 1 – point g

Text proposed by the Commission

(g) strengthening of infrastructure and services in the countries designated for the implementation of Regional Protection Programmes.

Amendment

(g) strengthening of ***migration and asylum relevant*** infrastructure and services in the countries designated for the implementation of Regional Protection Programmes;

Amendment 67

Proposal for a regulation

Article 7 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) establishment and development of strategies on resettlement and relocation, including needs analysis, improvement of indicators and evaluation.

Amendment 68

Proposal for a regulation

Article 7 – paragraph 1 – point g b (new)

Text proposed by the Commission

Amendment

(gb) creating conditions conducive to the integration, autonomy and self-reliance of resettled refugees on a long-term basis.

Amendment 69

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

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:

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 70

Proposal for a regulation Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) information packages and awareness-raising campaigns, including via user friendly communication and information technology and websites;

Amendment

(a) information packages and awareness-raising campaigns, including via user friendly communication and information technology and websites, ***disseminated in the different countries in a coordinated way and in accordance with a common European message***;

Amendment 71

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

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 72

Proposal for a regulation Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) setting up and developing such integration strategies, including needs analysis, the improvement of indicators

Amendment

(a) setting up and developing such integration strategies ***with the participation of local and/or regional actors***, including needs analysis, the improvement of

and evaluation;

integration indicators, and evaluation of *the conditions particular to asylum-seekers, including participatory assessments, in order to identify best practices*;

Amendment 73

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) advice and assistance in areas such as housing, means of subsistence, administrative and legal guidance, medical, psychological and social care, *and* child care;

Amendment

(b) advice and assistance in areas such as housing, means of subsistence, *integration into the labour market*, administrative and legal guidance, medical, psychological and social care, child care *and family reunification*;

Amendment 74

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. Actions referred to in paragraph 1 shall take into account the specific needs of different categories of third-country nationals and their family members, including those entering or residing for employment or self-employment and family reunification purposes, beneficiaries of international protection, asylum seekers, resettled or relocated persons and vulnerable groups of migrants, in particular, minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

Amendment

2. Actions referred to in paragraph 1 shall take into account the specific needs of different categories of third-country nationals and their family members, including those entering or residing for employment or self-employment and family reunification purposes, beneficiaries of international protection, asylum seekers, resettled or relocated persons and vulnerable groups of migrants, in particular, minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children, victims of trafficking, *persons at risk of violence due to a personal characteristic referred to in Article 21 of the Charter of Fundamental Rights*, and persons who have been subjected to torture, rape or other serious forms of psychological,

physical or sexual violence.

Amendment 75

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) reinforcing the capacity of Member States to develop, implement, monitor and evaluate their immigration strategies, policies and measures across the different levels and departments of administrations, in particular enhancement of their capacity to collect, analyse and disseminate data and statistics on migration procedures and flows, residence permits and development of monitoring tools, evaluation schemes, indicators and benchmarking for measuring achievements of these strategies;

Amendment

(b) reinforcing the capacity of Member States to develop, implement, monitor and evaluate their immigration strategies, policies and measures across the different levels and departments of administrations, in particular enhancement of their capacity to collect, analyse and disseminate **detailed and systematic** data and statistics on migration procedures and flows, residence permits and development of monitoring tools, evaluation schemes, indicators and benchmarking for measuring achievements of these strategies;

Amendment 76

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) furthering **intercultural** capacities of implementing organisations providing public and private services, including educational institutions, promoting the exchange of experience and good practices, cooperation and networking;

Amendment

(c) furthering capacities of implementing organisations providing public and private services, including educational institutions, **in the field of interculturality and of human rights**; promoting the exchange of experience and good practices, cooperation and networking;

Amendment 77

Proposal for a regulation

Article 11 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) introduction, development and improvement of alternative measures to detention;

Amendment 78

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) setting up of administrative structures, systems and training of staff to ensure ***smooth*** return procedures;

(b) setting up of administrative structures, systems and training of staff to ensure ***that*** return procedures ***are smooth and fully protect the fundamental rights of migrants;***

Amendment 79

Proposal for a regulation

Article 11 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) supporting the independent assessment and monitoring of return operations by civil society organisations, in order to ensure compliance with human rights;

Amendment 80

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) provision of material aid, health and psychological care;

(c) provision of material aid, health and psychological care, ***including for third-country nationals whose removal has been postponed in accordance with Article 9 and Article 14(1) of Directive 2008/115/EC;***

Amendment 81
Proposal for a regulation
Article 11 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) introduction and improvement of independent and effective systems for monitoring enforced return, as laid down in Article 6 of Directive 2008/115/EC.

Amendment 82

Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) measures to launch the progress of reintegration for the returnee's personal development, such as cash-incentives, training, placement and employment assistance and start-up support for economic activities;

(c) measures to launch the progress of reintegration for the returnee's personal development, such as cash-incentives, training, placement and employment assistance and start-up support for economic activities, ***including pre-return measures***;

Amendment 83

Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) actions enhancing the capacity to collect, analyse and disseminate data and statistics on return procedures and measures, reception and detention capacities, enforced and voluntary returns, monitoring and reintegration;

(d) actions enhancing the capacity to collect, analyse and disseminate ***detailed and systematic*** data and statistics on return procedures and measures, reception and detention capacities, enforced and voluntary returns, monitoring and reintegration;

Amendment 84

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 85

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 86

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 87

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]¹, ***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.***

¹ ***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]¹.

¹ ***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 88

Proposal for a regulation Article 14 – paragraph 4 a (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 89

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

Text proposed by the Commission

Amendment

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

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

Amendment 90
Proposal for a regulation
Article 14 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) **EUR 3,232 million** for national programmes of Member States;

(a) **83 %** for national programmes of Member States;

Justification

For technical reasons, the amounts have been expressed as percentages.

Amendment 91
Proposal for a regulation
Article 14 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) **EUR 637 million** for Union actions, emergency assistance, European Migration Network and technical assistance of the Commission.

(b) **17 %** for Union actions, emergency assistance, European Migration Network and technical assistance of the Commission.

Amendment 92

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

1. *Without prejudice to the prerogatives of the budgetary authority, resources earmarked for national programmes* shall be allocated to the Member States

indicatively as follows:

Amendment 93
Proposal for a regulation
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) **EUR 2 372 million** as indicated in Annex I;

Amendment

(a) **73 %** as indicated in Annex I;

Amendment 94
Proposal for a regulation
Article 15 – paragraph 1 – point b

Text proposed by the Commission

(b) **EUR 700 million** based on the distribution mechanism for specific actions as referred to in Article 16, for the Union Resettlement Programme as referred to in Article 17 and for relocation as referred to in Article 18;

Amendment

(b) **22 %** based on the distribution mechanism for specific actions as referred to in Article 16, for the Union Resettlement Programme as referred to in Article 17 and for relocation as referred to in Article 18;

Amendment 95
Proposal for a regulation
Article 15 – paragraph 1 – point c

Text proposed by the Commission

(c) **EUR 160 million** in the framework of the mid-term review and from the period as of budget year **2018**, to take into account important changes in migration flows and/or address the specific needs established by the Commission provided for in Article 19.

Amendment

(c) **5 %** in the framework of the mid-term review and from the period as of budget year **2017**, to take into account important changes in migration flows and/or address the specific needs established by the Commission provided for in Article 19.

Amendment 96
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 97

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive every two years an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **6,000** for each resettled person.

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive every two years an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **4 000** for each resettled person ***spent on resettlement activities referred to in Article 7. The effective implementation of the activities shall be monitored and evaluated by the EASO Resettlement Unit.***

Amendment 98

Proposal for a regulation Article 17 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The lump sum referred to in paragraph 1 shall be increased by EUR 3 000 for each person resettled in addition to the previous resettlement quota of the Member State, or in case the resettled person is resettled to a Member State that

has not previously performed Union funded resettlement.

Amendment 99

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. The lump sum referred to in paragraph 1 shall be increased **to EUR 10,000** for each person resettled according to the common Union resettlement priorities established pursuant to paragraphs 3 and 4 and listed in Annex III.

Amendment

2. The lump sum referred to in paragraph 1 shall **also** be increased **by EUR 3 000** for each person resettled according to the common Union resettlement priorities established pursuant to paragraphs 3 and 4 and listed in Annex III.

Amendment 100

Proposal for a regulation Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States pooling their pledges in an open ended commitment shall get additional sums and support per each person resettled in order to achieve the quantitative and qualitative goals of the Union Resettlement Programme, by reaching at least 20 000 resettlements per year until the year 2020 and setting good practices and common standards for the integration of refugees. These Member States will work closely with the EASO's Resettlement Unit in order to establish and regularly improve and review the guidelines for these quantitative and qualitative goals.

Amendment 101

Proposal for a regulation Article 17 – paragraph 4 – indent 2 a (new)

Text proposed by the Commission

Amendment

– persons who have been subjected to acts of violence and/or torture;

Amendment 102
Proposal for a regulation
Article 17 – paragraph 4 – indent 4

Text proposed by the Commission

Amendment

– persons ***in need of*** emergency resettlement for legal ***or*** physical protection needs.

– persons ***needing*** emergency resettlement for legal ***and/or*** physical protection needs.

Amendment 103
Proposal for a regulation
Article 17 – paragraph 4 – indent 4 a (new)

Text proposed by the Commission

Amendment

– persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

Amendment 104
Proposal for a regulation
Article 17 – paragraph 8

Text proposed by the Commission

Amendment

8. To effectively pursue the objectives of the Union Resettlement Programme and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust, if deemed appropriate, the lump sums referred to in paragraphs 1 ***and*** 2.

8. To effectively pursue the objectives of the Union Resettlement Programme and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust, if deemed appropriate, the lump sums referred to in paragraphs 1, 2 ***and 3a.***

Amendment 105

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive, when deemed appropriate, an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **6,000** for each person relocated from another Member State.

Amendment

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive, when deemed appropriate, an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **4 000** for each person relocated from another Member State.

Amendment 106

Proposal for a regulation Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall establish strict procedural guarantees and clear criteria for relocation measures. These procedural guarantees include, inter alia, the establishment of transparent, non-discriminatory selection criteria; the information to be provided to the potential beneficiaries of relocation; the communication in writing of the selection or non-selection of the applicants interviewed; reasonable time limits for candidates for relocation to take their decisions and, if necessary, make suitable preparations for their departure; the requirement for their voluntary consent to benefit from relocation measures.

Amendment 107

Proposal for a regulation Article 18 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Relocation measures shall be accompanied by an action plan to maintain and/or improve the quality of asylum systems and reception and integration conditions in the Member State of departure concerned.

Amendment 108

Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. In order to allocate the amount indicated in point (c) of Article 15(1), by 31 May **2017** the Commission shall assess the needs of Member States as regards their asylum and reception systems, their situation concerning migration flows in the period 2014 to **2016** and the expected developments.

1. In order to allocate the amount indicated in point (c) of Article 15(1), by 31 May **2016** the Commission shall assess the needs of Member States as regards their asylum and reception systems, their situation concerning migration flows in the period 2014 to **2015** and the expected developments.

Amendment 109

Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) ***migratory pressure:***

(b) ***specific pressures:***

Amendment 110

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. On the basis of that pattern, the Commission shall determine by way of ***implementing*** acts the Member States which shall receive an additional amount and establish a distribution matrix for

2. On the basis of that pattern, the Commission shall determine by way of ***delegated acts adopted in accordance with Article 26***, the Member States which shall receive an additional amount and establish

allocation of the available resources amongst those Member States *in accordance with the procedure referred to in Article 27(3)*.

a distribution matrix for allocation of the available resources amongst those Member States.

Amendment 111

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 112

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

Text proposed by the Commission

(a) the furthering of Union cooperation in implementing Union law and good practices in the field of asylum, including resettlement and relocation, legal migration, including integration of third-country nationals, and return;

Amendment

(a) the furthering of Union cooperation in implementing Union law and good practices in the field of asylum, including resettlement and relocation, legal migration, including integration of third-country nationals ***or stateless persons***, and return;

Amendment 113

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

Amendment

(f) cooperation with third-countries ***on the basis of the Global Approach on Migration***, in particular in the framework of the implementation of readmission

regional protection programmes.

agreements, mobility partnerships, regional protection programmes *and safe access to Union asylum system, in accordance with Article 24a.*

Amendment 114

Proposal for a regulation Article 21 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where Union actions are carried out through indirect centralised management by Union agencies active in home affairs, the Commission shall ensure the fair, equitable and transparent allocation of funding between the various agencies. These actions shall be included in the responsibilities of these agencies in addition to their working programmes.

Amendment 115

Proposal for a regulation Article 21 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

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

Amendment 116

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 defined in Article 2(f). Measures implemented in third countries in line with this Article shall be consistent***

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

Amendment 117

Proposal for a regulation Article 23 – paragraph 2 – point a

Text proposed by the Commission

(a) to serve as an Union advisory council for migration and asylum through co-ordination and cooperation at both national and Union level with representatives of Member States, academia, civil society, think-tanks and other Union/international entities;

Amendment

(a) to serve as an Union advisory council for migration and asylum through co-ordination and cooperation at both national and Union level with representatives of Member States, academia, civil society, think-tanks and other Union/international entities, ***particularly those specialised in asylum and immigration issues;***

Amendment 118

Proposal for a regulation Article 23 – paragraph 2 – point c

Text proposed by the Commission

(c) to provide the general public with the information referred to in point (b).

Amendment

(c) to provide the general public with the information referred to in point (b) ***in conjunction with civil society and non-governmental organisations involved in immigration and asylum.***

Amendment 119

Proposal for a regulation Article 23 – paragraph 5 – point b

Text proposed by the Commission

(b) a Steering Board to provide political guidance on and approve the activities of the European Migration Network, comprising of the Commission plus experts from Member States, the European

Amendment

(b) a Steering Board to provide political guidance on and approve the activities of the European Migration Network, comprising of the Commission plus experts from Member States, the European

Parliament and from other relevant entities;

Parliament and from other relevant *independent* entities;

Amendment 120
Proposal for a regulation
Article 23 – paragraph 7

Text proposed by the Commission

7. The amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted in accordance with the procedure referred to in Article 27(3) and, if possible, combined with the work programme for Union actions and emergency assistance.

Amendment

7. The amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted in accordance with the procedure referred to in Article 26 and, if possible, combined with the work programme for Union actions and emergency assistance.

Amendment 121
Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Coordination

The Commission and the Members States, together with the European External Action Service, shall ensure coordination as regards actions in and in relation to third countries. They shall notably ensure that those actions:

(a) comply with the EU external policy and in particular with the principle of Policy Coherence for development and be coherent with the strategic programming documents for the region or country in question;

(b) focus on non-development-oriented measures;

(c) are part of a short or possibly medium-term approach, depending on the nature

of the actions and priorities;
(d) essentially serve the interests of the Union, have a direct impact on the Union and its Member States, and provide the necessary continuity with activities undertaken inside the Union.

Amendment 122
Proposal for a regulation
Article 25 – indent 2 a (new)

Text proposed by the Commission

Amendment

– used for the benefit of resettlement or relocation actions.

Amendment 123
Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

Amendment

The provisions of Regulation (EU) No .../... [Horizontal Regulation] shall apply to this Fund.

The provisions of Regulation (EU) No .../... [Horizontal Regulation] shall apply to this Fund, *without prejudice to Article 4(a) of this Regulation.*

Amendment 124
Proposal for a regulation
Annex II – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) Establishment of a Resettlement Unit within the EASO with proper staff allocated to carry out the necessary coordination between all the ongoing resettlement activities in the Member States, conduct missions to the third countries and/or other Member States, to assist in the carrying out of interviews, medical and security screenings, to gather

expertise, enable information collecting and sharing, to establish close contact with the UNHCR and local NGOs, to play an important role in the monitoring and evaluation of the effectiveness and quality of the programmes, to promote awareness and to ensure Union wide networking and exchange of good practices among resettling stakeholders, including partnerships between international organizations, public authorities and civil society.

Amendment 125

Proposal for a regulation Annex II – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) To allow the possibility for local authorities and local partners of Member States to ask for financial support from the Fund in the context of local integration programmes which includes arrival support, follow-up on arrivals, planning and coordination structures and activities to inform and promote resettlement with the communities that are to welcome resettled refugees.

Amendment 126

Proposal for a regulation Annex II – point 3 a (new)

Text proposed by the Commission

Amendment

3a. Initiatives in the area of integration in order to improve the coordination of relevant policies at several levels between the Member States, regions and municipalities.

Amendment 127
Proposal for a regulation
Annex II – point 4

Text proposed by the Commission

(4) Joint initiatives aimed at identification and implementation of new approaches concerning the procedures at first encounter **and** standards of protection of unaccompanied minors

Amendment

(4) Joint initiatives aimed at identification and implementation of new approaches concerning the procedures at first encounter, standards of protection of **and assistance for** unaccompanied minors

Amendment 128
Proposal for a regulation
Annex II – point 7

Text proposed by the Commission

(7) Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin

Amendment

(7) Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin **if that is in their best interests**

Amendment 129

Proposal for a regulation
Annex III – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) Syrian refugees in Turkey, Jordan and Lebanon