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European Refugee Fund for the period 2008 to 2013 (amendment of Decision No 573/2007/EC) *I**

European Parliament legislative resolution of 18 May 2010 on the proposal for a decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC (COM(2009)0456 – C7-0123/2009 – 2009/0127(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0456),
 - having regard to Article 251(2) and Article 63(2)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0123/2009),
 - having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(3) and Article 78(2) and Article 80 of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0125/2010),
1. Adopts the position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 18 May 2010 with a view to the adoption of Decision No .../2010/EU of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows"

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2) and Article 80 thereof,

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) In the light of the establishment of a Joint EU Resettlement Programme aiming at increasing the impact of the resettlement efforts in the Union in providing protection to refugees and maximising the strategic impact of resettlement through a better targeting of persons who are in greatest need of resettlement, common priorities with respect to resettlement at Union level should be formulated on a regular basis.
- (2) *In order to achieve the objectives of Decision No 573/2007/EC of the European Parliament and of the Council², the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union establishing common Union annual priorities with respect to geographic regions and nationalities and the specific categories of refugees to be resettled. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.*
- (3) Taking into account the resettlement needs *to be set out in* the Commission decision *establishing the* common *Union* annual priorities for resettlement *in accordance with this Decision*, it is also necessary to provide additional financial support for the resettlement of persons with respect to geographic regions and nationalities *and* to the specific categories of refugees to be resettled, where resettlement is determined to be the most appropriate response to their *particular* needs.
- (4) In this context, it is appropriate to adapt the timetable as regards the deadline for the submission of data necessary for the calculation of annual allocations between the Member States, the deadline for the submission of annual programmes by Member States and the deadline for the adoption of financing decisions by the Commission.
- (5) *In order to encourage more Member States to take part in resettlement actions, additional financial support should be given to Member States taking part in the resettlement programme for the first time.*

¹ Position of the European Parliament of 18 May 2010.

² *OJ L 144, 6.6.2007, p. 1.*

- (6) It is also necessary to establish the rules for the eligibility of expenditure for the additional financial support for resettlement,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 573/2007/EC is amended as follows:

- (1) Article 13 is amended as follows:

- (a) paragraph 5 becomes paragraph 3;
(b) paragraph 3 becomes paragraph 4 and is replaced by the following:

"4. Member States shall receive a fixed amount of EUR 4 000 for each person *resettled in accordance with* the common *Union* annual priorities established *under paragraphs 6 and 7*, with respect to geographic regions and nationalities .

The following categories of vulnerable groups of refugees shall be considered as common Union annual priorities under paragraphs 6 and 7 independently of annual priorities with respect to geographic regions and nationalities:

- *children and women at risk, particularly from psychological, physical or sexual violence or exploitation,*
- *unaccompanied minors where resettlement is in their best interest, in compliance with the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child,*
- *persons having serious medical needs that require special treatment, in particular conditions that can be treated only following resettlement,*

- *survivors of violence and torture,*
- *persons in need of emergency or urgent resettlement for legal and protection needs."*

- (c) *the following paragraph is inserted:*

"4a. For those Member States that apply for funding under this Article for the first time, the fixed amount for each resettled person shall be EUR 6 000 in the first calendar year and EUR 5 000 in the second. In subsequent years, the fixed amount shall be EUR 4 000 for each resettled person. The additional amount that new participating Member States receive in the first two years of their participation shall be invested in the development of a sustainable resettlement programme."

- (d) paragraph 4 becomes paragraph 5 and is replaced by the following:

"5. Where a Member State resettles a person falling within more than one of the categories referred to in the common *Union* annual priorities for resettlement established in accordance with *paragraphs 6 and 7*, it shall receive the fixed amount for this person only once."

- (e) paragraph 6 is replaced by the following:

"6. In order to achieve the objective of this Decision to make resettlement an effective protection instrument, the Commission shall adopt a decision establishing the common Union annual priorities for resettlement by way of delegated acts in accordance with Articles 52a, and subject to the conditions of Articles 52b and 52c.";

(f) the following paragraphs are added:

"7. In the event of an unforeseen emergency requiring an urgent update of the common Union annual priorities for resettlement, the procedure provided for in Article 52d shall apply to delegated acts adopted pursuant to this Article.

8. Within twenty calendar days following notification of the Commission decision establishing the common Union annual priorities for resettlement in accordance with paragraphs 6 and 7, Member States shall provide the Commission with an estimate of the number of persons whom they will resettle in accordance with that decision in the course of the following calendar year. The Commission shall communicate those estimates to the European Parliament and the Council.

9. The results and impact of the financial incentive for resettlement activities in accordance with the common Union annual priorities shall be included by the Member States in their reports under Article 50(2) and by the Commission in its report under Article 50(3)."

(2) Article 20 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. The Commission shall provide the Member States, by 1 September of each year until 2013, with an estimate of the amounts to be allocated to them for the following calendar year from the total appropriations allocated under the annual budgetary procedure, calculated as provided for by Article 13.";

(b) paragraph 3 is replaced by the following:

"3. Member States shall submit to the Commission, by 1 December of each year until 2013, a draft annual programme for the following year, established in accordance with the multiannual programme and consisting of the following elements:

(a) the general rules for selection of projects to be financed under the annual programme;

(b) a description of the actions to be supported under the annual programme;

(c) the proposed financial breakdown of the Fund's contribution between the programme's various actions; and an indication of the amount requested to cover technical assistance under the Article 16 for the purpose of implementing the annual programme.";

(c) in paragraph 5, the third subparagraph is replaced by the following:

"The Commission shall adopt the financing decision approving the annual

programme by 1 April of the year in question. The decision shall indicate the amount allocated to the Member State concerned and the period for which the expenditure is eligible."

(3) In Article 35, the following paragraph is added:

"5. The fixed amount of EUR 4 000 for each resettled person allocated to the Member States shall be granted as a lump sum for each person effectively resettled."

(4) *The following articles are inserted:*

"Article 52a

Exercise of the delegation

1. The power to adopt the delegated acts referred to in Article 13(6) and (7) shall be conferred on the Commission for the period referred to in the first paragraph of Article 1.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 52b and 52c. Where imperative grounds of urgency so require, the procedure provided for in Article 52d shall apply.

Article 52b

Revocation of the delegation

1. The delegation of power referred to in Article 13(6) and (7) may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission indicating the delegated powers which could be subject to revocation and the possible reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Article 52c

Objections to delegated acts

1. The European Parliament or the Council may object to a delegated act within a period of one month from the date of notification. At the initiative of the European Parliament or the Council that period shall be extended by one month.

2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and enter into force on the date stated therein.

3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Article 52d

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed, in accordance with paragraph

2. The notification of a delegated act adopted under this Article to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. The European Parliament and the Council may, within a period of three months from the date of notification, object to a delegated act adopted under this Article. In such a case, the act shall cease to be applicable. The institution which objects shall state its reasons."

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at ,

For the European Parliament
The President

For the Council
The President