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Committee on Civil Liberties, Justice and Home Affairs

2011/0366(COD)

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*****I**

DRAFT REPORT

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

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: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0751),
 - having regard to Article 294(2) and Articles 78(2) and 79(2) and (4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0443/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee of the Regions of [...],
 - 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 and the opinions of the Committee on Foreign Affairs, and the Committee on Development and Committee on Budgets (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its 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.

Amendment 1

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.

Or. fr

Amendment 2
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**. 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.

Or. fr

Amendment 3
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 towards the region or country 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

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 towards the region or country 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, particularly as regards the implementation of emergency assistance.

also be ensured with the Union humanitarian policy, particularly as regards the implementation of emergency assistance. ***To that end, an ad hoc working group should be set up within the Commission so as to ensure optimum coordination between the various European services.***

Or. fr

Amendment 4
Proposal for a Regulation
Recital 43

Text proposed by the Commission

(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.

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 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.***

Or. fr

Amendment 5
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.***

Or. fr

Amendment 6

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:

Or. fr

Amendment 7

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

Or. fr

Amendment 8
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

Or. fr

Amendment 9
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.

Or. fr

Amendment 10
Proposal for a Regulation
Article 2 paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ‘family members’ means any persons

(e) ‘family members’ means any persons

who are **dependant** relatives in the ascending or descending line, including adopted children, spouses, unmarried partners **with a duly attested long-term relationship or in a registered partnership, if applicable under the national law of** the Member State concerned;

who are relatives in the ascending or descending line, including adopted children, spouses, unmarried partners **in a stable relationship, if the law or current practice in** the Member State concerned **recognises the situation of unmarried couples as equivalent to that of married couples under its law on third-country nationals;**

Or. fr

Amendment 11
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**

Or. fr

Amendment 12
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.**

Or. fr

Amendment 13
Proposal for a Regulation
Article 3 – paragraph 2 – point a – paragraph 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 **both qualitative and quantitative** indicators, inter alia, the level of improvement in asylum reception conditions, in the quality **of decision-making and** of asylum procedures, in the **provision of reliable, objective and up-to-date information on countries of origin** and in Member States' resettlement efforts.

Or. fr

Amendment 14
Proposal for a Regulation
Article 3 – paragraph 2 – point b – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 15
Proposal for a Regulation
Article 3 – paragraph 2 – point c – paragraph 2

Text proposed by the Commission

The achievement of this objective shall be measured by indicators, inter alia, the

Amendment

The achievement of this objective shall be measured by **both qualitative and**

number of returnees.

quantitative indicators, 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.***

Or. fr

Amendment 16
Proposal for a Regulation
Article 3– paragraph 2 – point d – paragraph 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 cooperation and relocation.

Amendment

The achievement of this objective shall be measured by ***both qualitative and quantitative*** indicators, inter alia, the level of increased mutual assistance between Member States including through practical cooperation and relocation.

Or. fr

Amendment 17
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.

Or. fr

Amendment 18
Proposal for a Regulation
Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. 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 verified by a working group referred to in Article 24a(1).

Or. fr

Amendment 19
Proposal for a Regulation
Article 4 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(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;***

(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 conditions set out in national law;

Or. fr

Amendment 20
Proposal for a Regulation
Article 4 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(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

(i) any third-country national 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 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;

protection within the meaning of Directive 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;

Or. fr

Amendment 21
Proposal for a Regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The target group shall comprise family members of persons referred to above, ***where appropriate, and in so far as the same conditions*** apply.

Amendment

2. The target group shall comprise family members of persons referred to above, and ***with due regard for the rules which apply to them.***

Or. fr

Amendment 22
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.

Or. fr

Amendment 23
Proposal for a Regulation
Article 5 – title

Text proposed by the Commission

Reception and asylum systems

Amendment

Asylum systems

Or. fr

Amendment 24
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;

Or. fr

Amendment 25
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;

Or. fr

Amendment 26
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 **and regional** communities as well as training for the staff of local **and regional** authorities **and civil society**, who will be interacting with those being received;

Or. fr

Amendment 27
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.

Or. fr

Amendment 28
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.

Or. fr

Amendment 29
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 to collect, analyse and disseminate **qualitative and quantitative** data on asylum procedures, reception capacities, resettlement and relocation actions;

Or. fr

Amendment 30
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.

Or. fr

Justification

Assessment practices must be as inclusive as possible.

Amendment 31
Proposal for a Regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Within the specific objective defined in points (a) and (d) 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 .../...

Amendment

I. Within the specific objective defined in points (a) and (d) 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 Fund shall, in particular, support the following actions related to resettlement of persons referred to in *points* (e) of Article 4(1), **and/or to the relocation of persons referred to in points (a), (b) and (c) of Article 4(1)**:

[Horizontal Regulation], the Fund shall, in particular, support the following actions related to resettlement of persons referred to in *point* (e) of Article 4(1):

Or. fr

Amendment 32
Proposal for a Regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) establishment and development of national resettlement **and relocation** programmes;

Amendment

(a) establishment and development of national resettlement programmes;

Or. fr

Amendment 33
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 actions;

Or. fr

Amendment 34
Proposal for a Regulation
Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) assessment of potential resettlement **and/or relocation cases** by the competent

Amendment

(d) assessment of potential resettlement cases by the competent Member States'

Member States' authorities, such as conducting missions to the third country and/or other Member State, interviews, medical and security screening;

authorities, such as conducting missions to the third country and/or other Member State, interviews, medical and security screening;

Or. fr

Amendment 35
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;

Or. fr

Amendment 36
Proposal for a Regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Within the specific objective defined in points (a) and (d) of Article 3(2) and in view of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation], the Fund shall, in particular, support the actions listed in paragraph 1 related to the relocation of persons referred to in points (a), (b) and (c) of Article 4(1):

Or. fr

Amendment 37
Proposal for a Regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) assessment of skills and qualifications and enhancement of transparency and equivalence of skills and qualifications in the countries of origin;

Amendment

(b) assessment of skills and qualifications and enhancement of transparency and equivalence of skills and qualifications in the countries of origin, ***with due regard for coherence with development policies, exercising restraint on recruitment so as to limit any recruitment likely to have a negative impact on the brain drain;***

Or. fr

Amendment 38
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 and evaluation;

Amendment

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

Or. fr

Amendment 39
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***;

Or. fr

Amendment 40
Proposal for a Regulation
Article 11 – paragraph 1 – point a a(new)

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 41
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;***

Or. fr

Amendment 42
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.

Or. FR

Amendment 43
Proposal for a Regulation
Article 14 – paragraph 5 – introductory part

Text proposed by the Commission

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

Amendment

5. The global resources shall be used as follows:

Or. fr

Amendment 44
Proposal for a Regulation
Article 14 – paragraph 5 – point a

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

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

Amendment 45
Proposal for a Regulation
Article 14 – paragraph 5 – point b

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 46
Proposal for a Regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. **Resources for national programmes** shall be allocated to the Member States as follows:

Or. fr

Amendment 47
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;

Or. fr

Amendment 48
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;

Or. fr

Amendment 49
Proposal for a Regulation
Article 15 – paragraph 1 – point c

Text proposed by the Commission

(c) **EUR 160 million** in the framework of

Amendment

(c) **5 %** in the framework of the mid-term

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.

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.

Or. fr

Amendment 50
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 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.

Or. fr

Amendment 51
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;

Or. fr

Amendment 52
Proposal for a Regulation
Article 17 – paragraph 4 indent 4

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 53
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.

Or. fr

Amendment 54
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.

Or. fr

Amendment 55
Proposal for a Regulation
Article 19 – paragraph 1 – subparagraph 1)

Text proposed by the Commission

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.

Amendment

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.

Or. fr

Amendment 56
Proposal for a Regulation
Article 19 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission shall use for its assessment, inter alia, the information collected from Eurostat, the European Migration Network, the EASO and the Frontex Agency risk analysis.

Amendment

The Commission shall use for its assessment, inter alia, the information collected from Eurostat, the European Migration Network, the EASO, the Frontex Agency risk analysis **and relevant international organisations, including the HCR, civil society and other relevant actors.**

Or. fr

Amendment 57
Proposal for a Regulation
Article 19 – paragraph 1 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) asylum **and reception** systems:

(a) asylum systems:

Or. fr

Amendment 58
Proposal for a Regulation
Article 19 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) **migratory pressure**:

(b) **specific pressures**:

Or. fr

Amendment 59
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 allocation of the available resources amongst those Member States **in accordance with the procedure referred to in Article 27(3)**.

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

Or. fr

Amendment 60
Proposal for a Regulation
Article 21 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) cooperation with third-countries, in

(f) cooperation with third-countries, in

particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes.

particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes, *in accordance with Article 24a.*

Or. fr

Amendment 61
Proposal for a Regulation
Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 62
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 Parliament and from other relevant entities;

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 *independent* entities;

Or. fr

Amendment 63
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.

Or. fr

Amendment 64
Proposal for a Regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Coordination

1. An ad hoc working group shall be set up within the Commission in accordance with the procedure referred to in Article 27(2) in order to ensure optimum coordination between the various European services and actors, in particular the relevant European Union agencies and the European External Action Service, as regards actions taken in, and relating to, third countries. If necessary, partner organisations may also participate in the ad hoc working group.

The ad hoc working group shall perform its duties in accordance with its rules of procedure, which it shall adopt.

2. Measures financed by the Fund shall be taken in synergy and coherence with other actions outside the Union, inter alia those supported through its external assistance instruments, both geographic and thematic. The measures shall be in

full coherence with the principles and general objectives of the Union's external action and external policy towards the region or country in question.

3. The activities carried out in third-countries shall only come under the financing arrangements for the Fund after the eligibility thereof has been established by a working group such as referred to in paragraph 1, in the light of the following criteria:

(a) the measures concerned must not support directly development-oriented actions as defined by the OECD's CAD;

(b) the measures must be part of a short- and possibly medium-term approach, depending on the nature of the actions and priorities;

(c) the measures must essentially serve the interests of the Union with a direct impact on the Union and its Member States and provide the necessary continuity with activities undertaken on Union territory;

(d) the measures must be in full coherence with the principles and general objectives of the Union external action and external policy towards the region or country in question.

Or. fr

Amendment 65
Proposal for a Regulation
Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 66
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.

Or. fr

Amendment 67
Proposal for a Regulation
Annex II – point 4

Text proposed by the Commission

Amendment

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

(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

Or. fr

Amendment 68
Proposal for a Regulation
Annex II – point 7

Text proposed by the Commission

Amendment

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

(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***

Or. fr

EXPLANATORY STATEMENT

The policies relating to the Area of Freedom, Security and Justice have been growing steadily over the last years. That is why at the beginning of the new 2014–2020 programming period, the European Commission has proposed overhauling the financial instruments in the field of home affairs. It is rightly believes that with all these proposals it will be able to address past shortcomings, and respond to current and future challenges.

With this in mind, the Commission plans to increase by almost 40 % the home affairs budget over the current multiannual financial framework (2007–2013). It also aims to simplify the structure of available finance and its allocation and delivery mechanisms. The number of programmes will be reduced to a two-fund structure: an Asylum and Migration Fund and an Internal Security Fund. In addition to these thematic instruments, a Horizontal Regulation will now establish a shared set of rules on programming, reporting, financial management, controls and assessment.

More specifically in the field of asylum and migration, the Commission proposes bringing together three existing funds into a single financial instrument, namely: the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund. While the global budget of the future Asylum and Migration Fund, set at approximately EUR 3.9 billion, means an increase in the funding currently available in this field, it is also intended to support a larger and broader range of actions. In line with the asylum and immigration policy, the Fund will contribute to: supporting the Common European Asylum System, facilitating legal migration to the Union, promoting fair strategies of return and increasing solidarity and the sharing of responsibility between the Member States. Within these objectives, the Fund shall also have an external dimension, and fund actions undertaken in third countries or concerning them.

Overall, your rapporteur is very favourable to the Commission's proposal to establish an Asylum and Migration Fund. This fund will indeed provide a series of improvements which should help the Union achieve its strategic objectives and generate enhanced European added value. The Asylum and Migration Fund will have inter alia simplified operating rules which will speed up procedures and eliminate administrative burdens. These revised allocation and delivery mechanisms should, on the one hand, provide the principal beneficiaries with easier and faster access to funding and, on the other hand, enable a quicker, more effective and more flexible response to crises.

The amendments put forward by your rapporteur are consequently fully in line with the Commission's proposal to create a new more efficient, more flexible and more comprehensive financial instrument. However, while this quest for simplification and flexibility is positive, it also gives rise to concern. Consequently, through her amendments, your rapporteur has preferred to combine the proposed initiatives, while ensuring that they meet requirements as effectively as possible.

These include:

- 1) Establish a more results-oriented approach

To measure the evaluation of the different objectives, your rapporteur suggests inter alia strengthening the indicators available and building in more effectively a more qualitative dimension.

2) Clarify and consolidate coherence between different instruments relating to asylum, in particular in the area of definitions and mechanisms introduced.

3) Ensure that the actions funded secure clear European added value, by contributing to the pursuit of objectives in line with Union policies.

4) Guarantee a fair distribution of the funds allocated to achieve objectives. While it is essential to meet the different needs and circumstances of the Member States, it is however necessary to ensure that the implementation of flexibility of this nature coexists with a fair distribution of resources. That is why your rapporteur is particularly in favour of an approach where dialogue is more inclusive. To this end, in addition to the pooling of expertise and information, the different stakeholders will also act as safeguards and act as a watchdog over the entire process. Your rapporteur, consequently, is calling for the strengthening of partnerships and the requirement for Member States and all relevant public authorities, as well as interested parties including civil society and International organisations to work in partnership. Partners shall, inter alia, be involved in the development, implementation, monitoring and evaluation of national programmes.

5) Provide a better framework for the new priority given to the external dimension of policies. The measures financed by the Fund shall be in full coherence and synergy should be sought with the principles and general objectives of the Union external action towards the region or third country in question. Your rapporteur believes however that it would be useful to promote additional tools to ensure that distinctions between fields of competence and available financing are effectively put into practice. To this end, she would like to see, on the one hand, a specific working party set up within the Commission to enable the different relevant European services and actors to cooperate closely. She shall propose, on the other hand, the inclusion of clear and unanimously recognised criteria which enable a precise definition of the types of activity which may be funded outside the Union through the Asylum and Migration Fund.

6) Promote clearer and more detailed implementation rules for relocation in order to ensure that this runs more effectively in full respect of the rights and fundamental freedoms of the persons concerned.

7) Strengthen the role of the European Parliament at certain stages of the process of implementing the Asylum and Immigration Fund.

8) Provide wider range of activities and target groups, in order to create a more effective, fairer and better-adapted financial instrument.

Accordingly, your rapporteur shall also suggest that the needs assessment of Member States within the mid-term review occurs earlier, so that resources eligible in this respect may be available by the budget year 2017 (and not 2018). In the course of the multiannual programming, this assessment should take place at the time when there is the necessary background to the actions already underway, but when it is also possible to react as early as

possible to support those States with specific needs or subject to specific pressures.