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28 March 2000

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## **REPORT**

on the proposal for a Council decision creating a European Refugee Fund  
(COM(1999) 686 – C5-0120/2000 – 1999/0274(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Pernille Frahm

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases*  
*covered by Articles 105, 107, 161 and 300 of the EC Treaty and*  
*Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

## CONTENTS

	Page
PROCEDURAL PAGE .....	4
LEGISLATIVE PROPOSAL .....	5
DRAFT LEGISLATIVE RESOLUTION .....	20
EXPLANATORY STATEMENT .....	21
OPINION OF THE COMMITTEE ON BUDGETS .....	25
OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS .....	30

## PROCEDURAL PAGE

By letter of 6 March 2000 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the proposal for a Council decision creating a European Refugee Fund (COM(1999) 686 – 1999/0274(CNS)).

At the sitting of 13 March 2000 the President of Parliament announced that she had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, the Committee on Budgets, the Committee on Budgetary Control and the Committee on Employment and Social Affairs for their opinions (C5-0120/2000).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Pernille Frahm rapporteur at its meeting of 17 January 2000.

It considered the Commission proposal and draft report at its meetings of 23 February and 22 March 2000.

At the latter meeting it adopted the draft legislative resolution by 30 votes to 0, with 2 abstentions.

The following were present for the vote: Graham R. Watson, chairman; Robert J.E. Evans and Bernd Posselt, vice-chairmen; Pernille Frahm, rapporteur; Jan Andersson (for Olivier Duhamel), Mary Elizabeth Banotti, Christian von Boetticher, Kathalijne Maria Buitenweg, Michael Cashman, Charlotte Cederschiöld, Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Carlo Fatuzzo (for Rocco Buttiglione pursuant to Rule 153(2)), Francesco Fiori (for Marcello Dell'Utri pursuant to Rule 153(2)), Evelyne Gebhardt (for Gerhard Schmid), Margot Keßler, Timothy Kirkhope, Ewa Klamt, Jean Lambert, Giorgio Lisi (for Enrico Ferri pursuant to Rule 153(2)), Baroness Sarah Ludford, Arie M. Oostlander, Elena Ornella Paciotti, Hubert Pirker, Martin Schulz, Martine Roure, Anna Terrón i Cusí, Anne E.M. Van Lancker and Jan-Kees Wiebenga.

The opinions of the Committee on Budgets and the Committee on Employment and Social Affairs are attached; the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy decided on 24 February and the Committee on Budgetary Control decided on 22 March 2000 not to deliver opinions.

The report was tabled on 24 March 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## LEGISLATIVE PROPOSAL

### Proposal for a Council decision creating a European Refugee Fund (COM(1999) 686 – C5-0120/2000 – 1999/0274(CNS))

The proposal is amended as follows:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
<p>(Amendment 1) Recital 2</p>	
Implementation of such a policy should be based on solidarity between Member States and requires the existence of mechanisms intended to help to achieve a balance in the efforts made by Member States in receiving refugees and displaced persons and bearing the consequences of so doing. To that end, a European Refugee Fund should be established.	Implementation of such a policy should be based on solidarity between Member States and requires the existence of mechanisms intended to help to achieve a balance in the efforts made by Member States in <u>fulfilling their legal responsibilities by</u> receiving refugees and displaced persons and bearing the <u>short and longer-term</u> consequences of so doing. To that end, a European Refugee Fund should be established.
<p><i>Justification:</i> <i>Member States' legal responsibilities are clearly laid down in the Geneva Convention of 1951.</i></p>	
<p>(Amendment 2) Recital 3</p>	
It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.	It is necessary to support <u>and improve</u> the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.

*Justification:*  
*This amendment brings the text into line with Joint Action 1999/290/JHA of 26.4.1999 on*

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<sup>1</sup> Not yet published in OJ.

*measures to support reception and voluntary repatriation of refugees, displaced persons and asylum seekers (Article 1.2).*

(Amendment 3)  
Recital 4a (new)

This integration of refugees into the host country society could also be helped by supporting the actions taken by refugee organisations already present in the Member State and working to achieve social integration,

*Justification*

*There is a significant body of research and acknowledged best practice that supports the assertion that refugees are empowered by such contacts.*

(Amendment 4)  
Recital 6

Since measures supported by the Structural Funds and other Community measures in the field of education and vocational training are not in themselves sufficient to promote such integration, support should be given for special measures to enable refugees and displaced persons to benefit fully from the programmes which are organised.

Since measures supported by the Structural Funds and other Community measures in the field of education and vocational training are not in themselves sufficient to promote such integration, support should be given for special measures to enable refugees and displaced persons to benefit fully from the programmes which are organised. For these to be fully effective, refugee communities should be involved in the design of such programmes.

*Justification:*

*In line with Parliament's amendments to the EQUAL Initiative, this amendment seeks to ensure involvement of affected groups in planning and design of programmes.*

(Amendment 5)  
Recital 10

As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary

As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary

protection in the event of a mass influx of refugees.

protection in the event of a mass influx of refugees or displaced persons.

*Justification:*

*This amendment brings the text of the Decision into line with the remarks under budget heading B5-811 on emergency measures in the event of mass influxes of refugees (OJ L 40, 14.2.2000) and with the Presidency Conclusions at the Tampere Summit 15.-16.10.1999.*

(Amendment 6)

Recital 11

It is fair to allocate resources proportionately to the burden on each Member State by reason of its efforts in receiving refugees and displaced persons.

It is fair to take into account, when allocating resources (5 words deleted) , the relative efforts made by each Member State (7 words deleted) to receive and support refugees and displaced persons.

*Justification:*

*This amendment removes the concept of 'burden' on Member States and brings the text more into line with the remarks under budget heading B5-810 on the European Refugee Fund (OJ L 40, 14.2.2000), which speaks of 'achieving an equitable balance of responsibility between the Member States'.*

(Amendment 7)

Recital 12

The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible actions is based on a request from each Member State taking into account its situation and needs.

The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible actions is based on a request from each Member State taking into account its situation, strategy and needs.

*Justification:*

*This amendment expects Member States to look beyond immediate short-term needs towards a more integrated longer-term approach.*

(Amendment 8)

Recital 12a (new)

In order to select and manage the activities under this Fund, Member States should have the primary responsibility but should act in partnership with a range of relevant bodies including NGOs, refugee organisations, the

social partners and local and regional authorities.

*Justification:*

*Given the supposed synergy between the European Refugee Fund and actions under the EQUAL Initiative, it is important to set up structures which resemble those established to administer the ESF Initiatives such as EQUAL, i.e. involving a range of relevant actors in partnership with Member States rather than giving sole responsibility to Member States.*

(Amendment 9)  
Recital 22 (new)

In the case of multiannual operations, Article 3 of the Financial Regulation obliges the Commission to present a financial statement containing the estimated schedule of annual requirements in appropriations and posts.

*Justification:*

*The Commission's proposal does not follow the rules of the Financial Regulation which concern the financing of multiannual operations. The financial statement should contain annual appropriations for the entire period of the programme. If necessary, the Commission should present a proposal for the multiannual revision of the Financial Perspective, which would allow the financing of the European Refugee Fund. Without such a revision, appropriate funding cannot be guaranteed during the consecutive annual budgetary procedures.*

(Amendment 10)  
Recital 23 (new)

The Commission has estimated that only a p.m. is available in the financial statement for the years 2001-2004;

*Justification:*

*The Commission's proposal does not follow the rules of the Financial Regulation which concern the financing of multiannual operations. The financial statement should contain annual appropriations for the entire period of the programme. If necessary, the Commission should present a proposal for the multiannual revision of the Financial Perspective, which would allow the financing of the European Refugee Fund. Without such a revision, appropriate funding cannot be guaranteed during the consecutive annual budgetary procedures.*

(Amendment 11)  
Recital 24 (new)

Whereas, in absence of a revision of the Financial Perspective for 2000-2006, the budgetary authority cannot guarantee an appropriate funding to the European Refugee Fund with respect to its objectives.

*Justification*

*The Commission's proposal does not follow the rules of the Financial Regulation which concern the financing of multiannual operations. The financial statement should contain annual appropriations for the entire period of the programme. If necessary, the Commission should present a proposal for the multiannual revision of the Financial Perspective, which would allow the financing of the European Refugee Fund. Without such a revision, appropriate funding cannot be guaranteed during the consecutive annual budgetary procedures.*

(Amendment 12)

Article 1

2. The Fund shall operate from 1 January 2000 to 31 December 2004.

2. The Fund shall operate from 1 January 2000 to 31 December 2004.

The Commission will come forward with financial estimates covering the whole period of the programme under the current Financial Perspectives. These amounts will serve as a reference only. The allocation for each financial year will be authorized within the annual budgetary procedure.

The Commission shall submit to the budgetary authority by 31 March 2001 a proposal for the revision of these appropriations, and, if needed, for a revision of the Financial Perspectives, together with an assessment of the new scheme and its implementation in the Member States.

*Justification*

*The Commission's proposal does not follow the rules of the Financial Regulation which concern the financing of multiannual operations. According to Article 3, paragraph 3 of Council Regulation 610/90, "the financial statement shall contain the estimated schedule of annual requirements in appropriations and posts". Therefore, the Commission should present clear estimates of these appropriations for the entire period of the programme. These estimates should be seen as a reference only. By the end of March 2001, the Commission should present, together with an assessment of the new scheme and its implementation in the Member States, a proposal for the revision of these appropriations, since substantially higher amounts are required to reach the objectives of the Refugee Fund.*

(Amendment 13)  
Article 1(3) (new)

3. All measures shall be based on an approach designed to prevent any outbreak of xenophobia, racism, discrimination or inequality;

Justification:

*In line with the spirit of EP Resolutions of 16.3.2000 on Countering racism in the EU and in the candidate countries.*

(Amendment 14)  
Article 2.1

For the purposes of this Decision the target groups shall comprise the following categories:

1. “refugees”, meaning any third-country nationals or stateless persons having the status defined by the Geneva Convention of 28 July 1951 relating to the Status of Refugees and permitted to reside as refugees in one of the Member States and, where appropriate, persons applying to be granted that status;

2. “displaced persons”, meaning any third-country nationals or stateless persons benefiting from temporary protection arrangements in a Member State and, where appropriate, persons applying for such protection.

For the purposes of this Decision the target groups shall comprise the following categories:

1. “refugees”, meaning any persons who have been afforded the status of refugee in accordance with Article 1 of the Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967; and any persons granted complementary protection in accordance with Member States’ international legal obligations, national legislation or national practice; and where appropriate, persons applying to be granted those statuses;

2. “displaced persons”, meaning persons benefiting from temporary protection arrangements in a Member State and, where appropriate, persons applying for such protection.

*Justification:*

This amendment returns to the text of Article 3.1 of Joint Action 1999/290/JHA on reception and voluntary repatriation of refugees, displaced persons and asylum seekers (OJ L 114, p. 2, 1.5.1999). Also, the Commission text omitted reference to third country nationals. Although such cases are rare, either political developments or environmental incidents and natural disasters can occur in Member States, which can lead to Member State citizens seeking the status of refugee.

(Amendment 15)

Article 3(1)(b)

integration of refugees and displaced persons;

integration of refugees;

*Justification:*

*It is necessary to make a distinction between refugees and displaced persons. In contrast to refugees, displaced persons have an interest in the prospect of returning together or individually, and should therefore be regarded as a separate group.*

(Amendment 16)

Article 3(1)(ba) (new)

preparation of displaced persons for returning safely and with dignity to their country of origin;

*Justification:*

*It is necessary to make a distinction between refugees and displaced persons. In contrast to refugees, displaced persons have an interest in the prospect of returning together or individually, and should therefore be regarded as a separate group.*

(Amendment 17)

Article 3(1), new paragraph after 3(1)(c)

The Fund shall support activities ancillary to any of the above which facilitate exchange of information, experience and best practice with organisations in the candidate countries.

*Justification:*

*It is essential that candidate countries have access to all useful information and practices in this field in order to assist the development of relevant services.*

(Amendment 18)

Article 3(2)

2. With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern infrastructure or services for accommodation, supply of material aid, social assistance or help with administrative formalities

2. With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern infrastructure or services for accommodation, the actions may concern the actions may concern the creation or improvement of infrastructure, the guaranteeing of basic services, the improvement of administrative and judicial asylum procedures (including counselling

services), care for people particularly in need of protection (such as unaccompanied minors, elderly people requiring care, the disabled, victims of torture or rape, victims of trafficking or other forms of sexual abuse, and people requiring special medical treatment), and education and training.

*Justification:*

*Where measures at the time of the reception of refugees are concerned, the Commission needs to word its proposal more precisely, drawing on past Joint Actions and practical experience.*

(Amendment 19)  
Article 3(3)

3. As regards integration into the society of the Member State of residence of persons having the status of refugees or benefiting from temporary protection arrangements and members of their family, actions may be to provide social assistance in areas such as housing, means of subsistence and healthcare or to enable beneficiaries to adjust to the society of the Member State or to provide for themselves.

3. As regards integration of persons having the status of refugees or displaced persons or benefiting from temporary protection arrangements and members of their family, actions may be to provide social assistance in areas such as housing, minimum means of subsistence and healthcare, psychological support, facilitation of access to legal means of protection, protection from racist attack, and assistance with employment, education and vocational training and may be aimed at enabling beneficiaries to participate as fully as possible in the society of the Member State or providing for their independence, through the provision of courses in the language and culture of the host country, the establishment of contacts with social welfare organisations and associations and support in the labour market, or enabling them to provide for themselves.

*Justification:*

*The aim of integration should not merely be that refugees and displaced persons should adjust to the host society, but also that they should actually participate in that society. Such actions should not be explicitly confined to employment opportunities and vocational training. Refugees and displaced persons should have the means to participate in and contribute to the society of the Member State receiving them. We need to address any violations of fundamental human rights in the host country and provide a raft of protective measures for people who are vulnerable and unfamiliar with the power mechanisms and social situation in each Member State.*

(Amendment 20)  
Article 3(3a) (new)

Support for the building of churches, mosques and temples in order to promote equal rights for, and the integration of, new minorities.

*Justification: The integration and emancipation of refugees needs promoting in this way too.*

(Amendment 21)  
Article 3(3b) (new)

As regards the preparation of displaced persons for returning to their country of origin, actions may be to provide social assistance in areas such as housing and healthcare, to help those concerned maintain their own social networks to which temporarily displaced persons are able to have recourse, to foster contacts with the society in the host country which are a source of support, to provide programmes of action in areas such as education, supporting oneself and temporary work, and to provide regular information on those left behind in their homeland and information concerning opportunities for returning.

*Justification:*

*The nature of the measures to prepare displaced persons for their return should be spelt out at this point.*

(Amendment 22)  
Article 3(4a) (new)

No payments under the fund shall be used for maintenance of detention centres for refugees and displaced persons.

*Justification:*

*Given that the overall aim of the programme is to improve conditions for refugees and displaced persons, this amendment aims to prevent Member States from using appropriations under the Refugee Fund to keep refugees and asylum seekers in detention centres, which have been widely criticised as totally inappropriate for people who have already been traumatised by their experiences in the country of origin.*

(Amendment 23)  
Article 4, first paragraph

**Community actions**

At the Commission's initiative, up to 10% of the capital of the Fund's annual allocation may be used to finance innovatory actions or actions of interest to the Community as a whole, separate from the actions implemented by the Member States, including studies, pilot projects, exchanges of experience, measures to promote cooperation at Community level and assessment of the implementation of those measures and technical assistance.

**Community actions**

At the Commission's initiative, up to 10% of the capital of the Fund's annual allocation may be used to finance innovatory actions or actions of interest to the Community as a whole, separate from the actions implemented by the Member States, including studies, public information, pilot projects, exchanges of experience, measures to promote cooperation at Community level and assessment of the implementation of those measures,

The Fund may also be used to finance public information concerning the obligation of Member States to persons seeking international protection, and their obligations in the context of the European Union's asylum policy, including public awareness campaigns to supplement other actions.

*Justification*

*According to the Commission's new implementing provisions, the Member States are responsible to a broad extent for the selection, implementation and administration of actions. This clearly relieves the Commission of the previous administrative burden and it is no longer justified to set aside funds for technical assistance.*

*The Fund must finance measures to inform the public of Member States' policy and practice in regard to refugees, asylum-seekers and temporarily protected persons.*

(Amendment 24)  
Article 5(1)

1. The Fund may also be used to finance emergency measures, separate from and in addition to the actions referred to in Article 3, to help one or more Member States in the event of a sudden mass influx of refugees or displaced persons.

1. The Fund may also be used to finance emergency measures, separate from and in addition to the actions referred to in Article 3, to help one or more Member States in the event of a sudden mass influx of refugees or

displaced persons, or at the request of the UNHCR.

*Justification*

*The UNHCR has great expertise in this area, and should therefore be given a role.*

(Amendment 25)  
Article 7(1)(ba) (new)

a strategy for development of services for refugees and displaced persons covered by the Fund;

*Justification:*

*This amendment adds a new category to the information to be sent by Member States to the Commission when requesting cofinancing. It is intended to ensure that Member States have a **longer term strategy** for development of services to refugees and displaced persons with a view to improving reception, integration and voluntary repatriation.*

(Amendment 26)  
Article 8, first paragraph

Member States shall have sole responsibility for the selection of individual actions and for the financial management and administration of actions supported by the Fund with due respect for Community policies and the criteria for eligibility.

Member States shall have primary responsibility for the selection of individual actions and for the financial management and administration of actions supported by the Fund with due respect for Community policies and the criteria for eligibility.

*Justification:*

*This amendment seeks to make clear the need of the Member State governments to act in concert with other bodies in carrying out their responsibilities within the Fund, as is the case under the EQUAL Programme.*

(Amendment 27)  
Article 8, second paragraph

Following a call for proposals, actions shall be presented by public authorities (national, regional or local, central or devolved),

Following a public call for proposals, actions shall be presented by public authorities (national, regional or local,

education or research institutions, training establishments, the social partners, government agencies, international organisations or non-governmental organisations, operating individually or in partnerships with a view to obtaining funding from the Fund.

central or devolved), education or research institutions, training establishments, the social partners, government agencies, international organisations or non-governmental organisations, operating individually or in partnerships with a view to obtaining funding from the Fund.

*Justification:*

*The aim of this amendment is to ensure, again, that the Fund is not used simply to finance activities that are already taking place in Member States, but that it is used genuinely to develop new strategies for reception, integration and voluntary repatriation of refugees and displaced persons.*

(Amendment 28)

Article 8, third paragraph (c)

(c) the innovatory nature of the measures and the scope for using the results to strengthen cooperation between the Member States or enable other Member States to benefit from experience;

(c) the innovatory nature of the measures and the scope for using the results to strengthen cooperation between the Member States or enable other Member States or candidate countries to benefit from experience;

*Justification:*

*It is essential that candidate countries have access to all useful information and practices in this field in order to assist the development of relevant services.*

(Amendment 29)

Article 8, final paragraph

Furthermore, the responsible authority shall ensure that the actions are based on the principles of partnership between all those involved and participation, in particular by the beneficiaries in their conception and implementation, and encourage a multi-dimensional approach incorporating coordinated action in all relevant areas and taking account of the complexity of the beneficiaries' position in the host society.

Furthermore, the responsible authority shall ensure

= that the actions are based on the principles of partnership between all those involved and participation, in particular by the beneficiaries in their conception and implementation;

= that they encourage a multi-dimensional approach incorporating coordinated action in all relevant areas and taking account of the complexity of the beneficiaries' position in the host society;

= that the continuity of the programmes and actions can be ensured, where necessary, over several years.

The responsible authority shall, as far as possible, make the final choice of project in partnership with representatives of civil society, non-governmental organisations, labour and management, local and regional authorities and international organisations such as the UNHCR.

*Justification:*

*Carrying out such a reception and integration policy for refugees calls for a certain degree of continuity and experience. This requirement may possibly be undermined by the fact that the available resources are re-allocated each year. It is, therefore, to be recommended that, in the implementation of the policy by the Member States, particular attention is paid to measures aimed at ensuring the continuity of certain programmes.*

*Non-governmental organisations and labour and management play a crucial role in refugee policy. Their knowledge in this sector should therefore be used by the responsible authorities, particularly when selecting actions.*

(Amendment 30)

Article 9(c) (new)

(c) In any case, each Member State shall be guaranteed a minimum share of the funds to cover tasks related to the protection of refugees and promoting public awareness of this problem.

*Justification:*

*This ensures a mechanism for unspent monies and also builds in an evaluation process and an opportunity for revision.*

(Amendment 31)

Article 18 (3)

3. The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December 2002 at the latest and a final report by 1 June 2005 at the latest.

3. The Commission shall forward to the European Parliament the reports drawn up in accordance with paragraphs 1 and 2, and shall assess to what extent the distribution of resources as provided for in Article 9 and the action programmes of the Member States need to be adjusted in the light of changing needs in order to meet the objectives of the European Refugee Fund.

The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December 2001 at the latest

and a final report by 1 June 2004 at the latest.

*Justification:*

*The final paragraph of Article 9 refers to Eurostat statistics, and it is advisable that the distribution of the available resources among the target groups should be re-examined on an annual basis in the light of new requirements. Furthermore, it is desirable that an assessment of the scheme should be carried out after the first year of operation, as the fund is a new one and the financial basis after 2001 remains open. Since the Commission is required to submit a new proposal by 31 December 2004, it is also to be recommended that a final report should be available to refer to when considering this new proposal. The final report should therefore be brought forward by a year.*

(Amendment 32)

Article 19 (1)

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission and shall consult on a regular basis with the United Nations High Commissioner for Refugees and other relevant international organisations, the social partners and NGOs.

*Justification:*

*Declaration 17 on Article 73k of the EC Treaty provides for consultations with relevant international bodies and organisations on all matters relating to asylum policy. It is therefore advisable that this should also be provided for in this connection. As part of the resources are to be used for integrating refugees and other relevant groups into the labour market, it is also advisable that the social partners should be involved in the consultations.*

(Amendment 33)

Article 19

2. Wherever reference is made to this paragraph, the advisory procedure set out in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) of that Decision.

2. Wherever reference is made to this paragraph, the advisory procedure set out in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 8 of that Decision.

3. The European Parliament shall be informed by the Commission of committee proceedings on a regular basis.

*Justification:*

*Articles dealing with comitology should follow the model stated in Council Decision 1999/468/EC of 28 June 1999.*

(Amendment 34)  
Article 20(5)

5. Where appropriate, available resources shall be distributed between the Member States as follows:

(a) 80% shall be distributed on the basis of the number of persons having entered each Member State as part of the mass influx referred to in Article 5(1);

(b) 20% shall be distributed on the basis of the quality of the projects put forward.

5. Where appropriate, available resources shall be distributed on the basis of the number of persons having entered each Member State as part of the mass influx referred to in Article 5(1).

*Justification:*

*The quality of projects should, as a general rule, be a criterion for all actions. Article 8 of the European Refugee Fund Decision, which sets out the qualitative selection criteria, also applies to emergency measures. The only criterion governing the distribution of resources specified here should therefore be the number of people.*

## DRAFT LEGISLATIVE RESOLUTION

### **European Parliament legislative resolution on the proposal for a Council decision creating a European Refugee Fund (COM(1999) 686 – C5-0120/2000 – 1999/0274(CNS))**

#### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(1999) 686<sup>1</sup>),
  - having regard to Article 63(2)(b) of the EC Treaty,
  - having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0120/2000),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Budgets and the Committee on Committee on Employment and Social Affairs (A5-0091/2000),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

### 1. Introduction

The proposal submitted by the Commission for a Council decision on the European Refugee Fund is the provisional outcome of the availability of resources from the European Union's budget for the refugee policy, for which the European Parliament has been pressing since 1997.

The 1997 budget was the first to provide such resources. It included three headings concerning the reception of refugees, their integration and their voluntary repatriation. It soon became apparent that the allocation for the various policy areas was unbalanced and that more funds were needed particularly for the reception of refugees. Initial evaluations also showed that it was difficult to separate the different areas, that reception, integration and voluntary repatriation measures must mesh and that, for the most part, they have the same target group. The committee therefore began to call for all three areas to be financed from one budget heading and for there to be a common legal basis.

The first success came with the combination of reception and voluntary repatriation under one budget heading (B5-803) in the financial year 1999. In the financial year 2000 it then proved possible to establish the European Refugee Fund under one budget heading covering all three areas. The adoption of a single legal basis, the European Refugee Fund, is therefore the final stage for the time being in the direction indicated by the European Parliament.

The financial year 1999 in particular also revealed the need for an instrument for emergency measures that went beyond the mechanisms of the European Refugee Fund. The Kosovo conflict led to various Member States receiving refugees and to the Council's adoption of a Joint Action that included emergency measures for refugees from Kosovo. This resulted in all the European Refugee Fund resources being spent on emergency measures. Only the provision of additional resources made it possible for a second round of longer-term measures to be financed. It therefore appeared necessary for the budget to make a distinction in the future between longer-term and emergency measures, since it is difficult for the budget to foresee requirements in a crisis situation that occurs suddenly. Hence the need for other, rapidly effective and less cumbersome methods of allocating resources.

### 2. The Commission proposal

The Commission now proposes the creation of a European Refugee Fund, initially for five years (2000-2004). This is a significant improvement on the present practice of an annual legal basis.

The Refugee Fund will combine all three structural aspects of the European refugee policy in one instrument:

- the reception of refugees and displaced persons
- the integration of refugees and displaced persons
- the voluntary repatriation of refugees and displaced persons.

The *target groups* are refugees as defined in the Geneva Convention, people who have applied for this status and displaced persons who have requested temporary protection. The Commission

therefore includes in the integration measures anyone who comes under a temporary protection arrangement. By voluntary repatriation it means any kind of return that is accomplished without compulsion and thus the return of people whose permission to stay has been withdrawn.

Besides the longer-term measures, the Commission proposes that the Fund should be used to finance *emergency measures* to help one or more Member States in the event of a sudden mass influx of refugees or displaced persons.

Although the two areas are covered by a single legal basis, they are to be financed under two budget headings to prevent resources for emergency measures from being made available at the expense of longer-term measures. For the year 2000 the Commission proposes an allocation of EUR 26m for longer-term measures (budget heading B5-810) and of EUR 10m for emergency measures (budget heading B5-811). These amounts correspond to the budget for 2000 adopted by the European Parliament at second reading in December 1999. For the next four years the Commission has entered a p.m. (pro memoria) in the financial statement, i.e. a specific amount has yet to be determined by the two branches of the budgetary authority (the European Parliament and the Council).

The *implementing provisions* proposed by the Commission are interesting. In the future resources are to be allocated not by the Commission but largely by the Member States. They will take responsibility for implementing the measures supported by the ERF.

The Commission will distribute the available resources among the Member States in accordance with the following criteria:

- 65% in proportion to the average number of persons who have applied for a form of international protection and have been registered in the previous three years
- 35% in proportion to the number of persons granted refugee status or temporary protection in the previous three years.

Each Member State is informed in advance by the Commission of its likely allocation. After the submission of an application for co-financing the Commission and the Member State concerned then agree on the final list of measures.

The contribution from the European Refugee Fund may not exceed 50% of the total cost of a measure. It may be increased to 75% in the case of Member States receiving resources from the Cohesion Fund.

Special provisions apply to emergency measures. In this case up to 80% of costs may be financed from the ERF, although its financial participation is limited to six months. The Commission intends to distribute the resources for emergency measures among the Member States in accordance with the following criteria:

- 80% on the basis of the number of persons who have entered a Member State as part of a mass influx of refugees
- 20% on the basis of the quality of the projects.

The Member States will submit annual reports on the measures assisted, and the Commission intends to submit to the European Parliament and the Council an interim report by 31 December 2002 and a final report by 1 June 2005.

### 3. Assessment of the Commission proposal

#### *(a) The target group and the measures*

The general conception of the Fund can, in principle, be endorsed. The areas of intervention are consistent with the objectives jointly established in recent years by the Commission, the Council and Parliament, and the target group too is largely consistent with the ideas expressed by the European Parliament in the past.

However, as the definition of the target groups and of the measures to be financed was in some respects better and more precise in earlier proposals, appropriate adjustments should be made here.

#### *(b) The implementation provisions*

By proposing that the ERF resources should be distributed among the Member States in accordance with a clearly defined key and should be administered by them, the Commission is seeking, among other things, to ease an administrative burden with which it believes it can no longer cope with existing resources.

However, this is also a courageous step towards genuine solidarity and burden-sharing among the Member States. The range now extends from assistance for worthwhile measures to financial compensation for Member States that take in more refugees and displaced persons. This is consistent with the intentions of the Amsterdam Treaty, Article 63(2) of which requires the Council to adopt, within five years of the Treaty entering into force, measures to promote a balance of effort among Member States receiving and bearing the consequences of receiving refugees and displaced persons.

Although the European Refugee Fund cannot replace a joint decision on a system of temporary protection and other measures, it does mean a small financial contribution to Member States receiving particularly large numbers of refugees or showing themselves to be particularly willing to take in displaced persons.

Making the number of refugees, displaced persons and asylum-seekers the sole criterion for the distribution of resources also seems reasonable, given the objective.

In view of this new mechanism, which relieves the Commission of a wide range of administrative tasks, it is impossible to understand why the Commission has nonetheless included the option of providing resources for technical assistance.

Although the Commission requires the Member States to submit annual reports, it itself intends to submit no more than an interim report and a final report to the European Parliament and the European Council. As the interim report is to be submitted by 31 December 2002, its findings

cannot have any influence until the 2004 budget procedure and thus the final year of the Fund. This is too little in view of the completely new implementing provisions and the fact that no decision at all has yet been taken on the resourcing of the European Refugee Fund from 2001. To be able to assess the functioning of the new system and take a reasoned decision on the allocation of resources, the budgetary authority needs regular and prompt information.

*(c) The mechanism for emergency measures*

In proposing a separate mechanism for emergency measures and keeping it apart from longer-term measures in the budget, the Commission shows that it has learnt from the past. In principle, this is the right approach. How this mechanism will work in practice, however, is still unclear in various respects. There are, for example, no criteria for deciding when a sudden mass influx exists. The Commission evidently decides on this after a Member State that feels affected informs the Commission of its requirements (Article 20).

The criteria governing the allocation of resources are similarly less consistent than in the case of longer-term measures. 80% is to be distributed on the basis of the number of persons, 20% on the basis of the quality of projects. This makes little sense since the qualitative selection criteria (Article 8) also apply to emergency measures. Resources for emergency measures should therefore be distributed solely on the basis of the number of persons.

Another factor that remains unclear is how the necessary resources are to be made available in the European Union's budget quickly. The Commission should draw up proposals on this and come to an agreement with the two branches of the budgetary authority.

*(d) The allocation*

In its proposal the Commission refers to specific amounts only for the year 2000. For the other years it has entered a p.m. This is due to the realisation that past allocations have not satisfied actual requirements. In the financial statement, for example, the Commission says that *the amount has hitherto fallen far short* of what was needed on the ground.

A European Refugee Fund that intends to make a real contribution to the balanced sharing of responsibility among the Member States is, at EUR 26m for longer-term measures and EUR 10m for emergency measures, obviously endowed with nothing like enough resources and does not come close to actual requirements. A comparison with the resources allocated to other EU programmes, let alone the Structural Funds, also makes these amounts look ridiculously small, given the tasks to be performed. Both the Commission, which establishes the preliminary draft budget, and the Council and Parliament, the two branches of the budgetary authority, must accept their responsibility for adequate resourcing in the future.

21 March 2000

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council Decision creating a European Refugee Fund  
(COM (1999) 686 [C5-0120/2000](#) - 1999/0274 (CNS))

Draftsman: Kathalijne Maria Buitenweg

### **PROCEDURE**

The Committee on Budgets appointed Kathalijne Buitenweg as draftsman at its meeting of 22-23 February.

It considered the draft opinion at its meeting of 20 March 2000.

At this meeting, it adopted unanimously the amendments below.

The following were present for the vote: Bárbara Dührkop Dührkop, acting chairman; Kathalijne Maria Buitenweg, draftsman; Jean-Louis Bourlanges, Paulo Casaca, Carlos Costa Neves, Gianfranco Dell'Alba for Den Dover, Gérard M.J. Deprez for James E.M. Elles, Göran Färm, Catherine Guy-Quint, Anne Elisabet Jensen, Juan Andréas Naranjo Escobar, Giovanni Saverio Pittella, Samuli Pohjamo for Luciana Sbarbati, Heide Rühle, Esko Olavi Seppänen, Alejo Vidal-Quadras Roca, Kyösti Tapio Virrankoski, Ralf Walter.

### **BACKGROUND**

In January 1999, the European Commission presented two proposals for Council Decision, one establishing a Community action programme to promote the integration of refugees (COM (1998)0731), and the other one on a Joint Action establishing measures to provide practical support in relation to the reception and the voluntary repatriation of refugees, displaced persons and asylum applicants (COM(1998)0733). In these proposals, the Commission used a twin-track legal basis establishing, on the one hand, a Community action programme based on Article 235 of the EEC Treaty and, on the other, a Joint Action based on article K.3 of the Treaty on the European Union, pending on the ratification of the Amsterdam Treaty.

In its opinion drafted by Mr Laurens Brinkhorst and adopted in March 1999, the Committee on Budgets criticised the lack of coordination between the Commission departments responsible for drawing up the two proposals. The Budgets Committee stressed that "nothing short of a single, overall legal basis will make it possible to comply with the political will expressed by Parliament, which seeks to give this operation a multidimensional scope".

In January 2000, the European Commission presented a new proposal, which replaces the two previous ones. It gathers under a multiannual (2000-2004) programme all Community actions related to asylum seekers, the integration of refugees and displaced persons, as well as the voluntary repatriation and resettlement of those persons in their countries of origin.

The new proposal clearly follows the ideas presented by the Parliament. It gathers all Community activities related to refugee policy under one fund, and uses a single legal basis, Article 63 of the Treaty establishing the European Communities.

### ***BUDGETARY REMARKS***

The Commission's proposal contains a breakdown of costs and activities to be financed in 2000 under budget lines B5-810 (EUR 26 million) and B5-811 (EUR 10 million). However, it does not include financial provisions for the entire period covered by the programme (1 January 2000 to 31 December 2004).

According to Article 3 of the Financial Regulation, financial statements concerning multiannual operations should contain "the estimated schedule of annual requirements in appropriations and posts". The absence of quantitative indications in the financial statement regarding 2001-2004 gives the impression that the Commission does not believe at this stage that appropriations would be available under the ceiling of the Financial Perspective of Heading 3.

The rapporteur supports the Commission's proposal in principle. However, the financial means reserved for this purpose are not in proportion with its objectives. In addition, its cost-effectiveness remains unclear as the proposal entails considerable costs at Member State level.

The rapporteur considers that the European Union should go ahead with the plan, despite its financial limitations under the current Financial Perspective. Meanwhile, the Commission should produce a study with clear estimates on the expenses related to a substantial redistribution of financial costs and responsibilities among Member States. This assessment should be presented to the budgetary authority by 31 March 2001.

Referring to Articles 19 and 20 of the Interinstitutional Agreement, the rapporteur expects that the Commission presents a proposal for the multiannual revision of the Financial Perspective, which would allow the financing of the European Refugee Fund.

In absence of a revision of the Financial Perspective, the rapporteur considers that the European Refugee Fund cannot be guaranteed adequate funding during the consecutive annual budgetary procedures.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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(Amendment 1)  
Recital 22 (new)

(22) Whereas, in the case of multiannual operations, Article 3 of the Financial Regulation obliges the Commission to present a financial statement containing the estimated schedule of annual requirements in appropriations and posts.

*Justification:*

*The Commission's proposal does not follow the rules of the Financial Regulation which concern the financing of multiannual operations. The financial statement should contain annual appropriations for the entire period of the programme. If necessary, the Commission should present a proposal for the multiannual revision of the Financial Perspective, which would allow the financing of the European Refugee Fund. Without such a revision, appropriate funding cannot be guaranteed during the consecutive annual budgetary procedures.*

(Amendment 2)  
Recital 23(new)

(23) Whereas the Commission has estimated that only a p.m. is available in the financial statement for the years 2001-2004.

*Justification:*

*See justification under amendment 1.*

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<sup>1</sup> OJ C not yet published.

(Amendment 3)  
Recital 24(new)

(24) Whereas, in absence of a revision of the current Financial Perspective, the budgetary authority cannot guarantee an appropriate funding to the European Refugee Fund.

*Justification:*

*See justification under amendment 1.*

(Amendment 4)  
Article 1(2)

2. The Fund shall operate from 1 January 2000 to 31 December 2004.

2. The Fund shall operate from 1 January 2000 to 31 December 2004.

The Commission will come forward with financial estimates covering the whole period of the programme under the current Financial Perspective. These amounts will serve as a reference only. The allocation for each financial year will be authorized within the annual budgetary procedure.

The Commission shall submit to the budgetary authority by 31 March 2001 a proposal for the revision of these appropriations, and, if needed, for a revision of the Financial Perspective, together with an assessment of the new scheme and its implementation in the Member States.

*Justification:*

*The Commission's proposal does not follow the rules of the Financial Regulation which concern the financing of multiannual operations. According to Article 3, paragraph 3 of Council Regulation 610/90, "the financial statement shall contain the estimated schedule of annual requirements in appropriations and posts". Therefore, the Commission should present clear estimates of these appropriations for the entire period of the programme under the current*

*Financial Perspective. These estimates should be seen as a reference only. By the end of March 2001, the Commission should present, together with an assessment of the new scheme and its implementation in the Member States, a proposal for the revision of these appropriations, since substantially higher amounts are required to reach the objectives of the European Refugee Fund.*

(Amendment 5)

Article 19(2)

2. Wherever reference is made to this paragraph, the advisory procedure set out in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) of that Decision.

2. Wherever reference is made to this paragraph, the advisory procedure set out in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 8 of that Decision.

*Justification:*

*Articles dealing with commitology should follow the model stated in Council Decision 1999/468/EC of 28 June 1999.*

(Amendment 6)

Article 19(2a) (new)

The European Parliament shall be informed by the Commission of committee proceedings on a regular basis.

*Justification:*

*See justification under amendment 5.*

21 March 2000

## **OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS**

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council decision on creating a European Refugee Fund  
(COM(1999) 686 – C5-0120/2000 - 1999/0274(CNS))

Draftsman: Jean Lambert

### **PROCEDURE**

The Committee on Employment and Social Affairs appointed Jean Lambert draftsman at its meeting of 15 February 2000.

It considered the draft opinion at its meetings of 23 February 2000 and 21 March 2000.

At the latter meeting it adopted the amendments below by 34 votes to 2, with 5 abstentions.

The following were present for the vote: Michel Rocard, chairman; Winfried Menrad, vice-chairman; José Ribeiro e Castro, vice-chairman; Jean Lambert, draftsman; Jan Andersson, María Antonia Avilés Perea, Jean-Louis Bernié, Andreas Brie (for Sylviane H. Ainardi), Philip Rodway Bushill-Matthews, Alejandro Cercas Alonso, Luigi Cocilovo, Raffaele Costa (for Piia-Noora Kauppi, pursuant to Rule 166.3), Harlem Désir (for Elisa Maria Damião), Harald Ettl, Jillian Evans, Carlo Fatuzzo, Ilda Figueiredo, Monica Frassoni (for Theodorus J.J. Bouwman, pursuant to Rule 166.3), Fiorella Ghilardotti, Roger Helmer (for Anne-Karin Glase), Stephen Hughes, Ioannis Koukiadis, Giorgio Lisi (for Marie-Thérèse Hermange), Elizabeth Lynne, Thomas Mann, Mario Mantovani, Riitta Myller (for Proinsias De Rossa), Juan Ojeda Sanz (for Rodi Kratsa), Manuel Pérez Álvarez, Bartho Pronk, Fernando Reis, Gilles Savary (for Danielle Darras, pursuant to Rule 166.3), Herman Schmid, Gabriele Stauner (for Raffaele Lombardo), Ilkka Suominen, Helle Thorning-Schmidt, Bruno Trentin (for Marie-Hélène Gillig), Ieke van den Burg, Anne E.M. Van Lancker, Barbara Weiler and Matti Wuori (for Alain Lipietz, pursuant to Rule 166.3).

## SHORT JUSTIFICATION

The Commission proposal on the setting up of the European Refugee Fund is generally a welcome step forward in giving practical expression to the responsibilities Member States have taken on under the 1951 Geneva Convention and other agreements, confirmed in the Presidency Conclusions from the Tampere European Council meeting of October 1999.

The proposal brings together in one legislative text actions which were previously carried out under Joint Actions (reception and voluntary repatriation) and preparatory actions, to date without legal basis (integration measures). It will be recalled that the Employment and Social Affairs Committee had in July 1999 requested a change of legal basis for the previous proposal concerning only integration of refugees in order that these activities could be carried out in the context of the fight against social exclusion under Article 137. Given the new proposal and the need for a speedy adoption of a programme which should run from January 2000 to December 2004, the inclusion of Article 137 as a legal basis appears no longer to be a realistic option.

Refugee flows themselves are linked to a number of factors, some of which are linked to the EU and its Member States, either as an effect of their foreign policy or because of their history. The Tampere conclusions recognised the need to address the coherence of the Union's external policies and to address in particular political, human rights and development policies in countries of origin of migrants. Our history also explains why those seeking asylum will often aim to reach a particular country, where they may have family, language links or a knowledge of a shared history, rather than wishing to remain in the first, safer state in which they arrive. There is now a considerable body of research to show that social integration tends to be more rapid and successful in those circumstances, particularly where there is cultural, social and linguistic support from the asylum seekers' own community. Hence, my amendments recognising the value of this and the need to provide practical support.

There are tensions running through the Commission's document about the primary focus of this Fund. On the one hand the Refugee Fund seeks to be a solidarity fund between Member States, recognising the fact that some states have many more people seeking asylum than others and therefore offering financial "compensation" for the extra work done and the costs involved in meeting these international obligations. On the other hand, there is a desire to improve the ability of some other Member States to deal effectively with both those seeking asylum and those granted refugee status or some other form of protection.

These tensions are reflected in the proposals concerning the decision-making and management process and the proposed formula for the allocation of funding. The Structural Funds have sought to have a partnership structure for deciding on proposals and these proposals are then negotiated with the Commission. The Partnership is then responsible for effective delivery. In the Commission proposals here it would be for the Member State to decide on projects etc. – partnership is not mentioned. This is unfortunate, to say the least. Many Member States deliver services through a wide variety of bodies, recognising their expertise in this area. If the intention is to solve problems, improve services, obtain better value for money and develop and disseminate best practice, then such Partnerships are essential. Hence my intention to introduce a "partnership" proposal as an amendment to Article 8. Equally, there is no requirement for

projects to have a cross-border dimension. If financial reimbursement alone is the aim, then the basic structure proposed is understandable.

Equally, the proposed per capita allocation on the basis of 65% per asylum seeker: 35% per person granted official status is understandable if this Fund is simply to provide a reallocation method. However, if services are to be introduced and/or made more effective in countries which have had significant problems so far – in particular, the Cohesion Fund countries are cited in the Commission proposals – then there needs to be a mechanism for dealing with such differences: my proposed amendment to Article 9 is a compromise to deal with this. Ideally, I would prefer to see proposals judged on their own merits, within an overall context of the different standards of service delivery within the Member States, but I realise this would run counter to the redistribution aspect of the Fund.

As the EU is aiming to develop a common asylum policy, it is essential that attention is paid to the Union level and that adequate funding is available for research, projects and the development of recommendations to upgrade the overall quality of the policies and the services. This will become even more important as enlargement occurs. I am therefore recommending that up to 15% of the available Funds may be used for activities at the EU level.

## AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

### (Amendment 1)

#### Recital 2

Implementation of such a policy should be based on solidarity between Member States and requires the existence of mechanisms intended to help to achieve a balance in the efforts made by Member States in receiving refugees and displaced persons and bearing the consequences of so doing. To that end, a European Refugee Fund should be established.

Implementation of such a policy should be based on solidarity between Member States and requires the existence of mechanisms intended to help to achieve a balance in the efforts made by Member States in fulfilling their legal responsibilities by receiving refugees and displaced persons and bearing the short and longer-term consequences of so doing. To that end, a European Refugee Fund should be established.

#### *Justification:*

*Member States' legal responsibilities are clearly laid down in the Geneva Convention of 1951.*

### (Amendment 2)

#### Recital 3

It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.

It is necessary to support and improve the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.

#### *Justification:*

*This amendment brings the text into line with Joint Action 1999/290/JHA of 26.4.1999 on measures to support reception and voluntary repatriation of refugees, displaced persons and asylum seekers (Article 1.2).*

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<sup>1</sup> COM(1999) 686, not published in the OJ

(Amendement 3)  
Quatrième considérant bis (nouveau)

(4) bis. Cette intégration des réfugiés dans la société du pays d'accueil pourra aussi être facilitée par un soutien apporté à des actions menées par des associations de réfugiés œuvrant à l'insertion sociale et déjà présentes dans l'État membre.

*Justification:*

*There is a significant body of research and acknowledged best practice that supports the assertion that refugees are empowered by such contacts.*

(Amendment 4)

Recital 10

As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary protection in the event of a mass influx of refugees.

As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary protection in the event of a mass influx of refugees or displaced persons.

*Justification:*

*This amendment brings the text of the Decision into line with the remarks under budget heading B5-811 on emergency measures in the event of mass influxes of refugees (OJ L 40, 14.2.2000) and with the Presidency Conclusions at the Tampere Summit 15.-16.10.1999.*

(Amendment 5)

Recital 11

(11) It is fair to **allocate** resources **proportionately to the burden on** each Member State **by reason of its efforts in receiving** refugees and displaced persons.

(11) It is fair to **take into account, when allocating** resources, **the relative efforts already made by** each Member State **to receive and support** refugees and displaced persons, **as well as its geographical location,**

*Justification:*

*This amendment removes the concept of "burden" on Member States and brings the text more into line with the remarks under budget heading B5-810 on the European Refugee Fund (OJ L*

40, 14.2.2000), which speaks of "achieving an equitable balance of responsibility between the Member States".

(Amendment 6)

Recital 12

The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible actions is based on a request from each Member State taking into account its situation and needs.

The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible actions is based on a request from each Member State taking into account its situation, strategy and needs.

*Justification:*

*This amendment expects Member States to look beyond immediate short-term needs towards a more integrated longer-term approach.*

(Amendment 7)

Article 1(3) (new)

***3. All measures shall be based on an approach designed to prevent any outbreak of xenophobia, racism, discrimination or inequality;***

*Justification:*

*In line with the spirit of EP Resolutions of 16.3.2000 on Countering racism in the EU and in the candidate countries.*

(Amendment 8)

Article 2(3) (new)

***3. In the event of an extremely serious environmental accident or natural disaster prompting inhabitants of one Member State to seek refuge in one or more Union countries, the Union should allocate special aid to help these countries deal with the situation, over and above that provided by the European Refugee Fund.***

*Justification:*

*The addition of text to this Article is in recognition of the fact that circumstances such as a natural disaster or an industrial accident involving nuclear power or chemical pollution can lead to a sudden mass influx of refugees or displaced persons.*

(Amendment 9)

Article 3(1), new paragraph after 3.1 c

***The Fund shall support activities ancillary to any of the above which facilitate exchange of information, experience and best practice with organisations in the candidate countries.***

*Justification:*

*It is essential that candidate countries have access to all useful information and practices in this field in order to assist the development of relevant services.*

(Amendment 10)

Article 3(2)

2. With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern infrastructure or services for accommodation, supply of material aid, social assistance or help with administrative formalities.

2. With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern infrastructure or services for accommodation, supply of material aid, social assistance or help with administrative formalities ***for vulnerable groups (such as unaccompanied minors, elderly people requiring care, the disabled, victims of torture or rape, victims of trafficking in human beings or other forms of sexual abuse, and people requiring special medical treatment).***

*Justification:*

*References to elderly people requiring care and the disabled have been added to a specific definition of vulnerable groups from Article 4 d of Joint Action 1999/290/JHA of 26.4.1999. Victims of trafficking and other forms of sexual abuse are also added in line with previous resolutions of Parliament (e.g. 14.11.1996 [OJ C 362, 2.12.1996] and 10.2.1999 [OJ C 150, 28.5.1999]).*

(Amendment 11)  
Article 3(3)

3. As regards integration into the society of the Member State of residence of persons having the status of refugees or benefiting from temporary protection arrangements and members of their family, actions may be to provide social assistance in areas such as housing, means of subsistence and healthcare or to enable beneficiaries to **adjust to** the society of the Member State or to provide for themselves.

3. As regards integration into the society of the Member State of residence of persons having the status of refugees or benefiting from temporary protection arrangements and members of their family, actions may be to provide social assistance in areas such as housing, **minimum** means of subsistence and healthcare or to enable beneficiaries to **participate in** the society of the Member State or to provide for themselves.

*Justification:*

*This amendment brings the text of the Decision in line with the remarks in the 2000 budget under budget heading B5-810 (OJ L 40, 14.2.2000), by giving refugees and displaced persons the means to participate in and contribute to the society of the Member State receiving them..*

(Amendment 12)  
Article 3(4)

4. As regards voluntary repatriation of refugees and displaced persons, including persons from whom this status has been withdrawn or to whom it has been refused or who have withdrawn their application, provided they have not acquired a new nationality and have not left the territory of the Member State, the actions may concern information and advice about voluntary return programmes and the situation in the country of origin and/or general or vocational training and help in resettlement.

4. As regards voluntary repatriation of refugees and displaced persons, including persons from whom this status has been withdrawn or to whom it has been refused or who have withdrawn their application, provided they have not acquired a new nationality and have not left the territory of the Member State, the actions may concern **direct assistance with the costs of exploratory or final return**, information and advice about voluntary return programmes and the situation in the country of origin and/or general or vocational training and help in resettlement.

*Justification:*

*This provides a parallel with the EP position on assistance to refugees from East Timor and provides for a practical outcome to the programmes envisaged in Article 3.*

(Amendment 13)  
Article 7.1b bis (new)

a strategy for development of services for refugees and displaced persons covered by the Fund;

*Justification:*

*This amendment adds a new category to the information to be sent by Member States to the Commission when requesting cofinancing. It is intended to ensure that Member States have a **longer term strategy** for development of services to refugees and displaced persons with a view to improving reception, integration and voluntary repatriation.*

(Amendment 14)

Article 8, first paragraph

Member States shall have **sole** responsibility for the selection of individual actions and for the financial management and administration of actions supported by the Fund with due respect for Community policies and the criteria for eligibility.

Member States shall have **primary** responsibility for the selection of individual actions and for the financial management and administration of actions supported by the Fund with due respect for Community policies and the criteria for eligibility.

*Justification:*

*This amendment seeks to make clear the need of the Member State governments to act in concert with other bodies in carrying out their responsibilities within the Fund, as is the case under the EQUAL Programme.*

(Amendment 15)

Article 8, second paragraph

Following a call for proposals, actions shall be presented by public authorities (national, regional or local, central or devolved), education or research institutions, training establishments, the social partners, government agencies, international organisations or non-governmental organisations, operating individually or in partnerships with a view to obtaining funding from the Fund.

Following a public call for proposals, actions shall be presented by public authorities (national, regional or local, central or devolved), education or research institutions, training establishments, the social partners, government agencies, international organisations or non-governmental organisations, operating individually or in partnerships with a view to obtaining funding from the Fund.

*Justification:*

*The aim of this amendment is to ensure, again, that the Fund is not used simply to finance activities that are already taking place in Member States, but that it is used genuinely to develop new strategies for reception, integration and voluntary repatriation of refugees and displaced persons.*

(Amendment 16)

Article 8(c)

(c) the innovatory nature of the measures and the scope for using the results to strengthen cooperation between the Member States or enable other Member States to benefit from experience;

(c) the innovatory nature of the measures and the scope for using the results to strengthen cooperation between the Member States or enable other Member States **or candidate countries** to benefit from experience;

*Justification:*

*It is essential that candidate countries have access to all useful information and practices in this field in order to assist the development of relevant services.*

(Amendment 17)

Article 8, last paragraph

Furthermore, the responsible authority ***shall ensure that the actions are based on the principles of partnership between all those involved and participation, in particular by the beneficiaries in their conception and implementation***, and encourage a multi-dimensional approach incorporating coordinated action in all relevant areas and taking account of the complexity of the beneficiaries' position in the host society.

Furthermore, the responsible authority ***will act in partnership with representatives of civil society, such as NGOs, refugee organisations, the social partners and local and regional authorities*** and encourage a multi-dimensional approach incorporating coordinated action in all relevant areas and taking account of the complexity of the beneficiaries' position in the host society, ***to ensure the continuity of the programmes and actions, where necessary, over several years***

*Justification:*

*Carrying out such a reception and integration policy for refugees calls for a certain degree of continuity and experience. This requirement may possibly be undermined by the fact that the available resources are re-allocated each year. It is, therefore, to be recommended that, in the implementation of the policy by the Member States, particular attention is paid to measures aimed at ensuring the continuity of certain programmes This amendment seeks to make clear the need of the Member State governments to act in concert with other bodies in carrying out their responsibilities within the Fund, as is the case under the EQUAL Programme .*

(Amendment 18)

Article 9

Available resources shall be distributed proportionally between the Member States

Available resources ***(apart from those reserved for Union level activities)*** shall be

as follows:

- (a) 65% in proportion to the average number of persons having applied for a form of international protection registered over the previous three years; and
- (b) 35% in proportion to the number of persons granted refugee status or temporary protection over the previous three years.

The reference figures shall be the *most recent figures established by the Statistical Office of the European Communities*.

distributed proportionally between the Member States as follows:

- (a) 65% in proportion to the average number of persons having applied for a form of international protection registered over the previous three years; and
- (b) 35% in proportion to the number of persons granted refugee status or temporary protection over the previous three years.
- (c) In any case, each Member State shall be guaranteed a minimum share of the funds to cover tasks related to the protection of refugees and promoting public awareness of this problem.***

The reference figures shall be the *best estimates available to the Commission*.

**In the event of a Member State not submitting requests which justify the expenditure of all that Member State's allocation, the surplus shall be distributed among the remaining Member States using the same procedure.**

**The funding formula will be reviewed in the light of the evaluation drawn up under Article 18.3 and in the light of the needs of new Member States, should any enlargement of the Union take place before the end of the 5 year period of this Fund.**

*Justification:*

*This ensures a mechanism for unspent monies and also builds in an evaluation process and an opportunity for revision.*

(Amendment 19)  
Article 18(3)

3. The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December **2002** at the latest and a final report by 1 June **2005** at the latest.

***3. The Commission shall forward to the European Parliament the reports drawn up in accordance with paragraphs 1 and 2, and shall assess to what extent the distribution of resources as provided for in Article 9 and the action programmes of the Member States need to be adjusted in the***

***light of changing needs in order to meet the objectives of the European Refugee Fund.***

The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December **2001** at the latest and a final report by 1 June **2004** at the latest.

The mid-term report shall in particular assess whether the funding formula, as set out in Article 9, is the appropriate mechanism for meeting the aims of the Fund.

*Justification*

*The final paragraph of Article 9 refers to Eurostat statistics, and it is advisable that the distribution of the available resources among the target groups should be re-examined on an annual basis in the light of new requirements. Furthermore, it is desirable that an assessment of the scheme should be carried out after the first year of operation, as the fund is a new one and the financial basis after 2001 remains open. Since the Commission is required to submit a new proposal by 31 December 2004, it is also to be recommended that a final report should be available to refer to when considering this new proposal. The final report should therefore be brought forward by a year.*

(Amendment 20)  
Article 19(1)

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission ***and shall consult on a regular basis with the United Nations High Commissioner for Refugees and other relevant international organisations, the social partners and NGOs.***

*Justification*

*Declaration 17 on Article 73k of the EC Treaty provides for consultations with relevant international bodies and organisations on all matters relating to asylum policy. It is therefore advisable that this should also be provided for in this connection. As part of the resources are to be used for integrating refugees and other relevant groups into the labour market, it is also*

*advisable that the social partners should be involved in the consultations.*