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*****I**
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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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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 European Economic and Social Committee of 11 July 2012¹
 - having regard to the opinion of the Committee of the Regions of 18 July 2012²,
 - having regard to its decision of 17 January 2013 on the opening of, and the mandate for, interinstitutional negotiations on the proposal³,
 - having regard to the undertaking given by the Council representative by letter of 20 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development and the Committee on Budgets (A7-0022/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statements by Parliament annexed to this resolution;
 3. Takes note of the Council statement and the Commission statements annexed to this resolution;
 4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its

¹ OJ C 299, 4.10.2012, p. 108.

² OJ C 277, 13.9.2012, p. 23.

³ Texts adopted, P7_TA(2013)0020.

proposal substantially or replace it with another text;

5. Instructs its President to forward its position to the Council, the Commission, the European Asylum Support Office and the national parliaments.

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the Asylum **■**, Migration *and Integration* Fund

■

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

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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

(1a) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the general and specific objectives laid down in this Regulation.

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **■**.

¹ OJ C , , p. .

² OJ C , , p. .

(1b) Efficiency of measures and quality of spending constitute guiding principles in the implementation of the Fund. Furthermore, the Fund should also be implemented in the most effective and user-friendly manner possible.

(1c) The new two-pillar structure should contribute to the simplification, rationalisation, consolidation and transparency of home affairs funding. Synergies, consistency and complementarity should be sought between different funds and programmes, including with a view to the allocation of funding to common objectives. Overlap between the different funding instruments should be avoided, however.

(1d) The Fund should create a flexible framework allowing Member States to receive financial resources under their national programmes to support the policy areas under this Fund according to their specific situation and needs, and in the light of general and specific objectives of the Fund, for which the financial support would be the most effective and appropriate.

(2) In order to contribute to the development of the common Union policy on asylum and immigration and to the strengthening of the area of freedom, security and justice in the light of the application of the principles of solidarity and responsibility sharing between the Member States and cooperation with third countries, this Regulation should establish the Asylum **■**, Migration **and Integration** Fund (hereinafter referred to as "the Fund").

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

(3a) In order to contribute to the achievement of the general objective of this Fund, Member States should ensure that their national programmes include actions addressing the specific objectives of this Regulation and that the allocation of resources between objectives ensures that the objectives can be met. In the unusual event that a Member State wishes to derogate from the minimum percentages laid down in this Regulation, the Member State concerned should provide a detailed justification within its national programme.

(4) To ensure a uniform and high-quality asylum policy and apply higher standards of international protection, the Fund should contribute to the effective functioning of the Common European Asylum System, which encompasses measures relating to policy, legislation, capacity-building, acting in co-operation with other Member States, Union Agencies and third-countries.

(4b) In order to measure achievements of this Fund, common indicators should be established in relation to each specific objective of this Fund. The common indicators should not affect the facultative or mandatory nature of the implementation of related actions as laid down in this Regulation.

(5) It is appropriate to support and improve the efforts made by Member States to fully and properly implement the Union asylum acquis, in particular to grant appropriate reception conditions to asylum seekers, displaced persons and beneficiaries of international protection, to ensure correct determination of status, in accordance with **Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on** standards for the qualification **■** of third-country nationals or stateless persons as **beneficiaries of** international

protection, **for a uniform status for refugees or for persons eligible for subsidiary protection, and for** the content of the protection granted¹, to apply fair and effective asylum procedures and to promote good practice in the field of asylum so as to protect the rights of persons requiring international protection and enable Member States asylum systems to work efficiently.

(6) The Fund should offer adequate support to joint efforts by Member States to identify, share and promote best practices and establish effective cooperation structures in order to enhance the quality of decision-making in the framework of the Common European Asylum System.

(7) This Fund should complement and reinforce the activities undertaken by the European Asylum Support Office (EASO) established by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010² with a view to coordinating practical cooperation between Member States on asylum, supporting Member States subject to particular pressure on their asylum systems and contributing to the implementation of the Common European Asylum System. **The Commission may make use of the possibility offered by the Financial Regulation to entrust this Union Agency with the implementation of specific and ad hoc tasks, such as the coordination of Member States' actions on resettlement in accordance with EASO Regulation (EU) No 439/2010.**

(8) The Fund should support the efforts by the Union and the Member States relating to the enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union legislation.

(9) The Fund should support the efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement by the United Nations High Commissioner for Refugees (UNHCR), such as the assessment of the resettlement needs and transfer of the persons concerned to their territories, with a view to granting them a secure legal status and to promoting their effective integration.

(9a) The Fund should provide support **for new approaches concerning access to asylum procedures in a safer manner, in particular by targeting main countries of transit such as protection programmes for particular groups or certain procedures for examination of applications for asylum.**

(10) **It is in the nature of the Fund that it should be able to provide support to voluntary burden-sharing operations agreed between Member States and** consisting of the transfer of beneficiaries of international protection, **and of applicants for international protection,** from one Member State to another.

(11) Partnerships and cooperation with third countries to ensure the adequate management of inflows of persons applying for asylum or other forms of international protection are an essential component of Union asylum policy. With the aim to provide access to international protection and durable solutions at the earliest possible stage, including in the framework of Regional Protection Programmes³, the Fund should include a strong Union resettlement component.

¹ OJ L 304, 30.9.2004, p. 12.

² OJ L 132, 29.5.2010, p. 11.

(12) To improve and reinforce the integration process in European societies, the Fund should facilitate legal migration to the Union in line with the economic and social needs of Member States and anticipates the preparation of the integration process already in the country of origin of the third-country nationals coming to the Union.

(13) In order to be efficient and achieve the greatest added value, the Fund should pursue a more targeted approach, in support of consistent strategies specifically designed to promote the integration of third-country nationals at *national*, local and/or regional level, *where appropriate*. Those strategies should be implemented mainly by local or regional authorities and non-state actors, while not excluding national authorities, *in particular where* the specific administrative organisation of the Member State would so require *or where the national institutional set up provides that integration actions are a shared competence of the State and decentralised level of administration*. The implementing organisations should choose the measures most appropriate to their particular situation from a range of measures available.

(13a) The implementation of the Fund should be consistent with the Union's Common Basic Principles on Integration, as specified in the Common Programme for Integration.

(14) The scope of the integration measures should also include *beneficiaries* of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of these target groups. *Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.*

(15) To ensure the consistency of the European Union's response to integration of third-country nationals, actions financed under this Fund should be specific and complementary to actions financed under the European Social Fund. In this context, the authorities of the Member States responsible for the implementation of this Fund should be required to establish cooperation and coordination mechanisms with the authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund.

(15a) For practical reasons, some actions may concern a group of people which can be more efficiently addressed as a whole without making differences between its members. It would therefore be appropriate to provide for the possibility for those Member States that would so wish to foresee in their national programmes that integration actions may include immediate relatives of third country nationals to the extent that this is necessary for the effective implementation of such actions. By immediate relative would be meant spouses/partners as well as any person having direct family links in descending or ascending line with the third country national targeted by the integration actions and who would otherwise not be covered by the scope of the Fund.

(16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States.

(17) The Union should continue and expand the use of Mobility Partnerships as the main strategic, comprehensive and long-term cooperation framework for migration management with third countries. The Fund should support activities in the framework of Mobility Partnerships taking place either in the Union or in third countries and aiming at pursuing

Union needs and priorities, in particular actions ensuring the continuity of funding encompassing both Union and third countries.

(18) It is appropriate to continue supporting and encouraging efforts by the Member States to improve the management of return in all its dimensions, with a view to the continuous, fair and effective implementation of common standards on return, notably as set out in the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals¹. The Fund should promote the development of return strategies at national level *within the concept of integrated return management* and also measures supporting their effective implementation in third countries.

(19) As regards the voluntary return of persons, including persons who wish to be returned even though they are under no obligation to leave the territory, incentives for such returnees, such as preferential treatment in the form of enhanced return assistance should be foreseen. This kind of voluntary return is in the interests of both returnees, and the authorities in terms of the cost-effectiveness. Member States should be encouraged to give preference to voluntary return.

(20) However, from a policy point of view, voluntary and enforced return are interlinked and have a mutually reinforcing effect and Member States should be encouraged in their return management to reinforce the complementarities of the two forms. There is a need to carry out *removals* in order to safeguard the integrity of the immigration and asylum policy of the Union and the immigration and asylum systems of the Member States. Thus the possibility of *removals* is a prerequisite for ensuring that this policy is not undermined and for enforcing the rule of law, which itself is essential to the creation of an area of freedom, security and justice. The Fund should therefore support actions of Member States to facilitate *removals in accordance with the standards set in EU law, where applicable, and with full respect for the fundamental rights and dignity of returnees*.

(21) It is *essential* for the Fund to support specific measures for returnees in the country of return in order to ensure effective return to their town or region of origin under good conditions and to enhance their durable reintegration into their community.

(22) Union readmission agreements are an integral component of the Union return policy and a central tool for the efficient management of migration flows as they facilitate the swift return of irregular migrants. Those agreements are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interest of effective return strategies at national and Union level.

(23) The Fund should complement and reinforce the activities undertaken by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex²), established by Council Regulation (EC) No 2007/2004 of 26 October 2004³, *of which part* of the tasks *are* to provide *Member States with* the necessary support for organising joint return operations⁴ and identify best practices on the acquisition of travel documents and the removal of *illegally present* third-country nationals⁵ in the territories of the Member States *as well as to assist Member States in circumstances requiring increased technical and operational assistance at the external borders, taking into account that some situations may involve humanitarian emergencies and rescue at sea*.

(23a) In addition to supporting the return of persons as provided for in this Regulation, the Fund should also support other measures to combat illegal immigration or the circumventing of existing legal migration rules, thereby safeguarding the integrity of Member States' immigration systems.

(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 the fundamental rights enshrined in the relevant international instruments, including the relevant case-law of the European Court of Human Rights. Eligible** actions should take account of the **human-rights-based approach to the protection of migrants, refugees and asylum seekers, and should, in particular, ensure that special attention is paid to, and a dedicated response is provided for, the specific situation of vulnerable persons, with women, unaccompanied minors and other minors at risk.**

(24a) The terms “vulnerable persons” and “family members” are defined differently in different acts relevant for the present Regulation. They should therefore be understood in the meaning of the relevant act bearing in mind the context in which they are used. In the context of resettlement, Member States that resettle, should closely consult with UNHCR in relation to the term ‘family members’ in their resettlement practices and actual resettlement processes.

(25) Measures **on** and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions **that are** directly **oriented towards** development and they should complement, when appropriate, the financial assistance provided through external aid instruments. **The principle of policy coherence for development, as set out in Paragraph 35 of the European Consensus on Development, should be respected. It is also important to ensure that the implementation of emergency assistance is consistent with and, where relevant, complementary to the Union humanitarian policy and respects humanitarian principles as set out in the European Consensus on Humanitarian Aid.**

(26) A large part of the available resources under the Fund should be allocated proportionally to the responsibility borne by each Member State through its efforts in managing migration flows on the basis of objective criteria. For that purpose, the latest available statistical data relating to the migration flows, such as the number of first asylum applications, the number of positive decisions granting refugee or subsidiary protection, the number of resettled refugees, the number of legally residing third-country nationals, the number of third-country nationals who have obtained an authorisation issued by a Member State to reside, the number of return decisions issued by the national authorities and the number of effected returns should be used¹.

(26a) The allocation of basic amounts to Member States should be established in this Regulation. The basic amount should be composed of a minimum amount and an amount calculated on the basis of the average of 2011, 2012 and 2013 allocations for each Member State under the European Refugee Fund, the European Fund for the Integration of third-

¹ Data collected by Eurostat under the Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on Migration and International protection.

country nationals and the European Return Fund. The calculations were made in accordance with the distribution criteria laid down in Article 13(2) of Decision No 573/2007/EC of the European Parliament and of the Council, Article 12(2) of Council Decision 2007/435/EC and Article 14(2) of Decision No 575/2007/EC of the European Parliament and of the Council, establishing the Funds respectively. In the light of the European Council conclusions of 7-8 February 2013 which underlined that 'particular emphasis should be given to insular societies who face disproportional migration challenges', it is appropriate to increase the minimum amounts for Cyprus and Malta.

(27) Whilst it is appropriate for an amount to be allocated to each Member State on the basis of the latest available statistical data, a part of the available resources under the Fund should also be distributed for the implementation of specific actions which require cooperative effort amongst Member States and generate significant added value for the Union, and for the implementation of the Union Resettlement Programme and for the implementation of *transfer of beneficiaries of international protection from one Member State to another*.

(28) For that purpose, this Regulation should establish a list of specific actions eligible for resources from the Fund. Additional amounts should be allocated to those Member States which make a commitment to implement them.

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

(30) With a view to increasing the impact of the Union resettlement efforts in providing protection to *persons in need of international protection* and maximising the strategic impact of resettlement through a better targeting of those persons who are in greatest need of resettlement, common priorities with respect to resettlement should be formulated at Union level. *These common priorities should be amended only where there is a clear justification for doing so or in light of any recommendations from UNHCR* on the basis of the general categories specified in this Regulation.

(31) Given their particular vulnerability, some categories of *persons in need of international protection* should always be included in the common Union resettlement priorities.

(32) Taking into account the resettlement needs set out in the common Union resettlement priorities, it is also necessary that additional financial incentives are provided for the resettlement of persons with respect to specific geographic regions and nationalities as well as to the specific categories of *persons* to be resettled, where resettlement is determined to be the most appropriate response to their special needs.

(33) To enhance the solidarity and share better the responsibility between the Member States, in particular towards those most affected by asylum flows, a similar mechanism based on financial incentives should also be established for *transfer* of beneficiaries of international protection *from one Member States to another*. *The mechanism should reduce the pressure on Member States receiving higher numbers of asylum seekers and beneficiaries of international protection, either in absolute or proportional terms.*

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(35) The support provided by the Fund will be more efficient and bring greater added value if a limited number of compulsory objectives is identified in this Regulation *to* be pursued in the programmes drawn up by each Member State, taking into account its specific situation and needs.

(36) It is important for enhanced solidarity that the Fund provides, *where appropriate in coordination and synergy with the humanitarian assistance managed by the European Commission*, additional support to address emergency situations of heavy migratory pressure in Member States or third countries or in the event of mass influx of displaced persons, pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting a balance efforts between Member States in receiving such persons and bearing the consequences thereof¹, through emergency assistance. *Emergency assistance should also include support to ad hoc humanitarian admission programmes aiming at providing temporary stay on the territory of a Member State in the event of an urgent humanitarian crisis in third-countries. However, such other humanitarian admission programmes are without prejudice to, and should not undermine, the Union's resettlement programme that aims explicitly as from the start at providing a durable solution to persons in need of international protection transferred to the Union from third countries. To that end, Member States should not be entitled to receive additional lump sums in respect of persons granted temporary stay on the territory of a Member State under such other humanitarian admission programmes.*

(37) This Regulation should *provide financial assistance for the activities* of the European Migration Network set up by Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network¹ in line with its objectives and tasks.

(38) Decision 2008/381/EC should therefore be *amended to align procedures and facilitate the provision of appropriate and timely financial support to National Contact Points.*

(39) In the light of the purpose of financial incentives allocated to the Member States for resettlement and/or *transfer of beneficiaries of international protection from one Member State to another* in the form of lump sums and because they represent a small fraction of the actual costs, this Regulation should provide for certain derogations from the rules on the eligibility of expenditure.

(40) In order to supplement or amend provisions of this Regulation on the lump sums for resettlement and *transfer of beneficiaries of international protection from one Member State to another*, the definition of specific actions and of common Union resettlement priorities, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(40a) In the application of the Regulation, including the preparation of delegated acts, the Commission should consult experts from all Member States.

¹ OJ L 131, 21.5.2008, p. 7.

(41) In order to ensure ***uniform conditions for the implementation*** of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹.

(42) Funding from the Union budget should concentrate on activities where the Union intervention can bring additional value compared to action of Member States alone. As the European Union is in a better position than Member States to provide a framework for expressing Union solidarity in the management of migration flows, financial support provided under this Regulation should contribute in particular to strengthening national and Union capabilities in this area.

(42a) There is a need to maximise the impact of Union funding by mobilising, pooling and leveraging public and private financial resources.

(42b) The Commission should monitor the implementation of the Fund in accordance with Article 50 of the Horizontal Regulation with the aid of common indicators for evaluating results and impacts. Those indicators, including relevant baselines, should provide the minimum basis for evaluating the extent to which the objectives of the Fund have been achieved.

(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 , Migration ***and Integration*** Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management¹. ***For the purposes of the Fund, the partnership referred to in Article 12 of Regulation (EU) No .../... [Horizontal Regulation] should include relevant international organisations, non-governmental organisations and social partners. Each Member State is responsible for establishing the composition of the partnership and the practical modalities of its implementation.***

(44) Since the objective of this Regulation, namely 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, cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(44a) Pursuant to Articles 8 and 10 of the Treaty on the Functioning of the European Union, the Fund should take account of the mainstreaming of equality between women and men and anti-discrimination principles.

(45) Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013¹ should be repealed.

¹ OJ L 55, 28.2.2011, p. 13.

(46) Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013¹ should be repealed.

(47) Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013² should be repealed.

(48) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland³ has notified its wish to take part in the adoption and application of this Regulation⁴.

(49) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom⁵ has notified its wish to take part in the adoption and application of this Regulation⁶.

(50) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(51) *It is appropriate to align the duration of this Regulation with the Council Regulation (EU) No .../...*. Therefore, this Regulation should apply as from 1 January 2014.*

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose and scope

1. This Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Asylum⁷, Migration **and Integration** Fund (hereinafter referred to as "the Fund").
2. This Regulation lays down:
 - (a) the objectives of financial support and the eligible actions;
 - (b) the general framework for the implementation of eligible actions;
 - (c) the available financial resources and their distribution;
 - (d) the principles and mechanism for establishment of common Union resettlement priorities;
 - (e) the **financial assistance provided for the activities** of the European Migration Network.

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.***

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (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 ■ are transferred from a third-country and established in a Member State where they are permitted to reside with one of the following statuses:
- (i) "refugee status" within the meaning of point (e) of Article 2 of Directive 2011/95/EU;
 - (ia) ***subsidiary protection status within the meaning of point (g) of Article 2 of Directive 2011/95/EU, or***
 - (ii) ***other statuses which offer similar rights and benefits under national and Union law as the statuses referred to in points (i) and (xx);***
- (aa) ***"other humanitarian admission programmes" means an ad hoc process whereby a Member State admits a number of third-country-nationals to stay on its territory for a temporary period of time in order to protect them from urgent humanitarian crises due to events such as political developments or conflicts;***
- (ab) ***"international protection" means refugee status and subsidiary protection status within the meaning of Directive 2011/95/EU;***
- (ac) ***"return" means the process of a third country national going back – whether in voluntary compliance with an obligation to return, or enforced – as defined in Article 3 of the Directive 2008/115;***
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- (c) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty. ***Reference to third-countries nationals shall be understood to include stateless persons and persons with undetermined nationality;***
- (ca) ***"removal" means the enforcement of the obligation to return, namely the physical transportation out of the Member State – as defined in Article 3 of the Directive 2008/115/EC;***
- (cb) ***"voluntary departure" means compliance with the obligation to return within the time-limit fixed for that purpose in the return decision – as defined in Article 3 of the Directive 2008/115/EC;***
- (d) "unaccompanied minor" means ***a*** third-country national ■ below the age of 18 years, who arrives or arrived on the territory of the Member States unaccompanied by an adult responsible for ***him/her*** whether by law or the national practice of the

Member State concerned, and for as long as *he/she* are not effectively taken into the care of such *a person*; it includes a minor who is left unaccompanied after *he/she entered* the territory of the Member States;

- (da) *"vulnerable person" means any third-country national who complies with this definition under Union law relevant for the policy area of action supported under this Fund.*
- (e) *"family member" means any third-country national who complies with this definition under Union law relevant for the policy area of action supported under this Fund;*
- (f) *"emergency situation" means a situation resulting from:*
 - (i) heavy migratory pressure in one or more Member States characterised by a large and disproportionate inflow of third-country nationals which place significant and urgent demands on their reception and detention facilities, asylum systems and procedures, *or*
 - (ii) implementation of temporary protection mechanisms within the meaning of Directive 2001/55/EC, or
 - (iii) heavy migratory pressure in third countries where refugees are stranded due to events such as political developments or conflicts.

Article 3

Objectives

1. The general objective of the Fund, shall be to contribute to *the efficient* management of migration flows *and to the implementation, strengthening and development of* the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy, *while fully respecting the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.*
2. Within its general objective, the Fund shall contribute to the following *common* specific objectives:
 - (a) to strengthen and develop *all aspects of* the Common European Asylum System, including its external dimension;
■
 - (b) to support legal migration to the *Member States* in line with *their* economic and social needs *such as labour market needs, while safeguarding the integrity of the immigration systems* of Member States, and *to* promote the effective integration of third-country nationals ■ ;
■
 - (c) to enhance fair and effective return strategies in the Member States, *which contribute to combating illegal immigration, with an* emphasis on sustainability of return and effective readmission in the countries of origin *and transit.*

- (d) to enhance the solidarity and responsibility sharing **■** between *the* Member States, *in particular towards those most affected by migration and asylum flows*, including through practical cooperation **■** .

The achievement of the specific objectives of this Fund shall be evaluated in accordance with Article 50(2) of the Horizontal Regulation using common indicators as set out in Annex IV and programme-specific indicators included in national programmes.

3. *Measures taken to achieve the objectives referred to in paragraphs 1 and 2 shall be fully coherent with measures supported through the external financing instruments of the Union and with the objectives and principles of the Union external action.*
4. *The objectives referred to in paragraphs 1 and 2 shall be achieved with due regard for the principles and objectives of the Union's humanitarian policy. Consistency with the measures funded by the Union's external financing instruments shall be ensured in accordance with Article 24a.*

Article 3

Partnership

For the purposes of the Fund, the partnership referred to in Article 12 of Regulation (EU) No .../... [Horizontal Regulation] shall include relevant international organisations, non-governmental organisations and social partners.

■

CHAPTER II

COMMON EUROPEAN ASYLUM SYSTEM

Article 5

Reception and asylum systems

1. Within the specific objective defined in point (a) 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] *and in line with the objectives of the national programmes defined in Article 20*, the Fund shall support actions *focusing on one or more of the following categories of third-country nationals:*
- *those who enjoy refugee status or subsidiary protection status within the meaning of Directive 2011/95/EU;*
 - *those who have applied for one of the abovementioned forms of the protection and not yet received a final decision;*
 - *those who enjoy temporary protection within the meaning of Directive 2001/55/EC;*

- *those who are being or have been resettled in or transferred from a Member State.*
- *In this context and as regards reception conditions and asylum procedures, the Fund shall support, in particular, the following actions focusing on the abovementioned categories of persons:*
 - (a) provision of material aid, *including assistance at the border*, education, training, support services, health and psychological care;
 - (aa) *provision of support services such as translation and interpretation, education, training, including language training, and other initiatives which are consistent with the status of the person concerned;*
 - (ab) *setting up and improvement of administrative structures, systems and training for staff and relevant authorities to ensure effective and easy access to asylum procedures for asylum seekers and efficient and high-quality asylum procedures, in particular, where necessary, to support development in the EU acquis;*
 - (b) provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling on the possible outcomes of the asylum procedure, including on aspects such as **█** *return procedures;*
 - (c) provision of legal *assistance and representation;*
- █**
 - (ca) *identifications of vulnerable groups and specific assistance for vulnerable persons, in particular in line with (a) to (c) above;*
 - (cb) *establishment, development and improvement of alternative measures to detention.*

Where deemed appropriate and where the national programme of a Member State provides for, the Fund may also support integration related measures, such as those referred to in Article 9 (1) in relation with the reception of persons referred to above.

2. *Within the specific objective defined in point (a) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, as regards accommodation infrastructure and reception systems, the Fund shall support, in particular, the following actions:*
 - (a) *improvement and maintenance of existing accommodation infrastructure and services;*
 - (b) *strengthening and improving of administrative structures and systems;*
 - (c) information for local communities **█** ;
 - (d) training for the staff of *authorities, including local authorities* **█** who will be interacting with *the persons referred to in paragraph 1 in the context of their reception;*
 - (e) *establishment, running and development of new accommodation infrastructure and services as well as administrative structures and systems,*

in particular, where necessary, to address the structural needs of Member States;

3. *Within the specific objectives defined in points (a) and (d) of Article 3(2), and in line with the objectives of the national programmes defined in Article 20, the Fund shall also support actions similar to those listed in paragraph 1, where these are related to persons who are temporarily staying:*
- *in transit and processing centres for refugees, in particular to support resettlement operations in cooperation with the UNHCR, or*
 - *on the territory of a Member State in the context of other humanitarian admission programmes.*

Article 6

Member States' capacity to develop, monitor and evaluate their asylum policies *and procedures*

Within the specific objective defined in point (a) 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] *and in line with the objectives of the national programmes defined in Article 20, as regards actions relating to the enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies and procedures, the Fund shall support, in particular the following actions:*

- (a) *actions enhancing the capacity of Member States - including in relation to the mechanism for early warning, preparedness and crisis management established in Regulation (EU) No [.../...] [the Dublin Regulation] - to collect, analyse and disseminate qualitative and quantitative data and statistics on asylum procedures, reception capacities, resettlement and transfer of applicants for and/or beneficiaries of international protection from one Member State to another;*
- (aa) *actions enhancing the capacity of Member States to collect, analyse and disseminate country of origin information;*
- (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.*

Article 7

Resettlement, transfer of applicants for and beneficiaries of international protection and other ad hoc humanitarian admission

1. 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) N°.../... [Horizontal regulation], *and in line with the objectives of the national programmes defined in Article 20, the Fund shall support in particular, the following actions related to resettlement of any third country national who is being resettled or has been resettled in a Member State, and other humanitarian admission programmes:*

- (a) establishment and development of national resettlement programmes **and strategies and other humanitarian admission programmes, including needs analysis, improvement of indicators and evaluation;**
 - (b) establishment of appropriate infrastructure and services to ensure the smooth and effective implementation of resettlement **actions and actions concerning other humanitarian admission programmes, including language assistance;**
 - (c) setting up of structures, systems and training of staff to conduct missions to the third countries and/or other Member States, to carry out interviews, medical and security screening
 - (d) assessment of potential resettlement **cases and/or cases of other humanitarian admission** by the competent Member States' authorities, such as conducting missions to the third country , interviews, medical and security screening
 - (e) pre-departure health assessment and medical treatment, pre-departure material provisions, pre-departure information **and integration** measures and travel arrangements, including the provision of medical escort services;
 - (f) information and assistance upon arrival **or shortly thereafter**, including interpretation services;
 - (fa) **actions for family reunification purposes for persons being resettled in a Member State;**
 - (g) strengthening of **migration and asylum relevant** infrastructure and services in the countries designated for the implementation of Regional Protection Programmes
 - (h) **creating conditions conducive to the integration, autonomy and self-reliance of resettled refugees on a long-term basis.**
2. **Within the specific objective defined in point (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] and in line with the objectives of the national programmes defined in Article 20, the Fund shall also support actions similar to those listed in paragraph 1, where deemed appropriate in light of policy developments within the implementation period of the Fund or where the national programme of a Member State makes such provisions, in relation to transfer of applicants for and/or beneficiaries of international protection. Such operations shall be carried out with their consent from a Member State which granted them international protection or is responsible for examining their application to another interested Member State where they will be granted equivalent protection or where their application for international protection will be examined.**

CHAPTER III

INTEGRATION OF THIRD-COUNTRY NATIONALS AND LEGAL MIGRATION

Article 8

Immigration and pre-departure measures

Within the specific objective defined in point (b) of Article 3(2), and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation] **and in line with the objectives of the national programmes defined in Article 20, the Fund shall support** actions taking place in **a third country which focus on third-country nationals, who comply with specific pre-departure measures and/or conditions set out in national law and in accordance with EU law where applicable, including those relating to the ability to integrate in the society of a Member State. In this context, the Fund shall support, in particular the following actions:**

- (a) information packages and █ campaigns **to raise awareness and promote intercultural dialogue**, including via user friendly communication and information technology and websites;
- (b) assessment of skills and qualifications **as well as** enhancement of transparency and **compatibility** of skills and qualifications in **a third country with those of Member State**;
- (c) █ training **enhancing employability in a Member State**;
- (d) comprehensive civic orientation courses and language tuition.
- (e) **assistance in the context of applications for family reunification within the meaning of Directive 2003/86/EC.**

Article 9

Integration measures █

1. Within the specific objective defined in point (b) of Article 3(2), **and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation] and in line with the objectives of the national programmes defined in Article 20, the Fund shall support actions which** take place in the framework of consistent strategies, **taking into account the integration needs of third country nationals at local █ / █ regional level █**. In this context, **the Fund shall support, in particular, the following actions focusing on the third-country nationals who are residing legally in a Member State or, where appropriate, who are in the process of acquiring legal residence in a Member State:**
 - (a) setting up and developing such integration strategies **with the participation of local or regional actors, where appropriate**, including needs analysis, the improvement of **integration** indicators, and evaluation, **including participatory assessments, in order to identify best practices**;
 - (b) advice and assistance in areas such as housing, means of subsistence, administrative and legal guidance, **health**, psychological and social care, child care **and family reunification**.
 - (c) actions introducing third-country nationals to the receiving society and actions enabling them to adapt to it, to inform them on their rights and obligations, to

participate in civil and cultural life and to share the values enshrined in the Charter of Fundamental Rights of the European Union;

- (d) measures focusing on education *and training*, including language training and *preparatory* actions to facilitate access to the labour market;
 - (e) actions designed to promote self-empowerment and to enable third-country nationals to provide for themselves;
 - (f) actions that promote meaningful contact and constructive dialogue between third-country nationals and the receiving society and actions to *promote* acceptance by the receiving society, including through the involvement of the media;
 - (g) actions promoting both equality of access and equality of outcomes in relation to third-country nationals' dealings with public and private services, including adaptation of these services to dealing with third-country nationals;
 - (h) capacity building of *beneficiaries, as defined in Article 2(g) of the Regulation (EU) N°.../...[Horizontal Regulation]*, including *through* exchange of experience and good practices, and networking.
2. Actions referred to in paragraph 1 shall, *in all cases where necessary*, take into account the specific needs of different categories of third-country nationals **■**, *including* beneficiaries of international protection, **■** resettled or *transferred* persons and, *especially* vulnerable persons.
 3. **■** *National programmes may allow for the inclusion in actions* referred to in paragraph 1 *of immediate relatives of persons covered by the target group referred to in the said paragraph to the extent that this is necessary for the effective implementation of such actions.*
 4. For the purpose of programming and implementation of actions referred to in paragraph 1, the partnership referred to in Article 12 of the Regulation (EU) No .../... [Horizontal Regulation] shall include authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund.

Article 10

Practical co-operation and capacity building measures

Within the specific objective defined in point (b) of Article 3(2), and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of the Regulation (EU) No .../... [Horizontal Regulation] *and in line with the objectives of the national programmes defined in Article 20, the Fund shall support actions focusing on one or more of the following categories of third-country nationals:*

- (a) building up strategies promoting legal migration with a view to facilitating the development and implementation of flexible admission procedures, **■**
- (aa) supporting cooperation between *third countries* recruitment agencies **■**, employment services *and immigration services of* Member States **■**, as well as supporting Member States in their implementation of Union migration law, consultation processes with relevant stakeholders and expert advice or information exchanges on

approaches which target specific nationalities or categories of third-country nationals with respect to needs of the labour markets;

- (b) reinforcing the capacity of Member States to develop, implement, monitor and evaluate their immigration strategies, policies and measures across the different levels and departments of administrations, in particular enhancement of their capacity to collect, analyse and disseminate *detailed and systematic* data and statistics on migration procedures and flows, residence permits and development of monitoring tools, evaluation schemes, indicators and benchmarking for measuring achievements of these strategies;
- (c) *training of beneficiaries as defined in Article 2(g) of the Regulation (EU) N°.../...[Horizontal Regulation], and staff* providing public and private services, including educational institutions, promoting the exchange of experience and good practices, cooperation and networking, *and intercultural capacities, as well as improving the quality of services provided*;
- (d) building sustainable organisational structures for integration and diversity management, in particular through cooperation between different stakeholders enabling officials at various levels of national administrations to swiftly gain information about experiences and best practices elsewhere and, where possible, to pool resources *between relevant authorities as well as between governmental and non-governmental bodies to more effectively provide services to third-country nationals, inter alia through one-stop-shops (i.e. coordinated integration support centres)*;
- (e) contributing to a dynamic two-way process of mutual interaction, underlying integration strategies at local and regional level by developing platforms for consultation of third-country nationals, exchange of information *among* stakeholders and intercultural and religious dialogue platforms between third country nationals' communities and/or between these communities and the receiving society and/or between those communities and policy and decision-making authorities.
- (f) *actions to promote and reinforce the practical cooperation between the relevant authorities of Member States, with a focus, inter alia, on exchange of information, best practices and strategies and developing and implementing joint actions, including with a view to safeguarding the integrity of the immigration systems of Member States.*

CHAPTER IV

RETURN

Article 11

Measures accompanying return procedures

Within the specific objective defined in point (c) 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] *and in line with the objectives of the national programmes*

defined in Article 20, as regards measures accompanying return procedures, the Fund shall focus on one or more of the following categories of third-country nationals:

- *who have not yet received a final negative decision in relation to their request to stay, legal residence and/or international protection in a Member State and who may choose to make use of voluntary return;*
- *enjoying the right to stay, legal residence and/or 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 have chosen to make use of voluntary return;*
- *who are present in a Member State and do not or no longer fulfil the conditions for entry and/or stay in a Member State. including those third-country nationals whose removal has been postponed in accordance with Article 9 and Article 14(1) of Directive 2008/115/EC.*

In this context, the Fund shall support █, in particular, █ the following actions focusing on the above-mentioned categories of persons:

- (-a) introduction, development and improvement of alternative measures to detention;*
- █
- (d) provision of social assistance, information or help with administrative and/or judicial formalities and information or counselling;*
- (e) provision of legal aid and language assistance;*
- (f) specific assistance for vulnerable persons █;*
- (g) introduction and improvement of independent and effective systems for monitoring enforced return, as laid down in Article 8(6) of Directive 2008/115/EC;*
- (h) establishment, maintenance and improvement of accommodation, reception or detention infrastructure, services and conditions;*
- (i) setting up of administrative structures, systems, including IT tools,*
- (j) training of staff to ensure smooth and effective return procedures, including their management and implementation.*

Article 12

Return measures

Within the specific objective defined in point (c) 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] *and in line with the objectives of the national programmes defined in Article 20, as regards return measures*, the Fund shall support actions *focusing on* persons referred to in *Article 11. In this context, the Fund shall support*, in particular █ the following *actions*:

(-a) *measures necessary for the preparation of return operations, such as those leading to the identification of third-country nationals, issuing of travel documents and family tracing;*

(a) co-operation with consular authorities and immigration services of third countries with a view to obtaining travel documents, facilitating repatriation and ensuring readmission;

(b) assisted voluntary return measures, including medical examinations and assistance, travel arrangements, financial contributions, pre- and post-return counselling and assistance;

(ba) *removal operations, including related measures, in accordance with the standards set in EU law, with the exception of coercive equipment;*

(d) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival;

(e) specific assistance for vulnerable persons .

Article 13

Practical co-operation and capacity building measures

Within the specific objective defined in point (c) 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] *and in line with the objectives of the national programmes defined in Article 20, as regards practical co-operation and capacity building measures the Fund shall support, in particular, the following actions:*

(a) actions to promote, *develop* and reinforce the operational cooperation *and information exchange* between the return services *and other authorities* of Member States *involved in return*, including as regards co-operation with consular authorities and immigration services of third countries *and joint return operations*;

(b) actions to support cooperation between *third-countries and* return services of Member States , including measures aiming at strengthening third countries' capacities to conduct readmission and reintegration activities, *in particular* in the framework of readmission agreements;

(c) actions enhancing the capacity to develop effective and sustainable return policies, in particular by exchanging information on the situation in countries of return, best practices, sharing experience and pooling resources between Member States;

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

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

- (f) *information measures and campaigns in third countries aimed at raising awareness of appropriate legal channels for immigration and the risks of illegal immigration.*

CHAPTER V

FINANCIAL AND IMPLEMENTATION FRAMEWORK

Article 14

Global resources and implementation

1. The global resources for the implementation of this Regulation shall be EUR 3 137 million.
2. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the financial framework.
3. The global resources shall be implemented through the following means:
 - (a) national programmes, in accordance with Article 20;
 - (b) Union actions, in accordance with Article 21;
 - (c) emergency assistance, in accordance with Article 22;
 - (d) European Migration Network, in accordance with Article 23;
 - (e) technical assistance, in accordance with Article 24.
4. ***The budget allocated under the Regulation to Union actions referred to in Article 21, to emergency assistance, referred to in Article 22, the European Migration Network, referred to in Article 23, and technical assistance referred to in Article 24, shall be implemented under direct management in accordance with Article 58(1)(a) of Regulation (EU) N°.../2012 [New Financial regulation]. The budget allocated to national programmes referred to in Article 20 shall be implemented under shared management in accordance with Article 58(1)(b) of Regulation (EU) N°.../2012 [New Financial regulation].***
- 4a. ***The Commission remains responsible for the implementation of the Union budget in accordance with Article 317 TFEU and shall inform the European Parliament and the Council on the operations carried out by entities other than Member States.***
5. ***Without prejudice to the prerogatives of the budgetary authority, the prime reference financial envelope shall be used indicatively as follows:***
 - (a) EUR 2 752 million for national programmes of Member States;
 - (b) EUR 385 million for Union actions, emergency assistance, European Migration Network and technical assistance of the Commission ***of which at least 30% shall be used for Union actions and European Migration Network.***

Article 15

Resources for eligible actions in the Member States

1. EUR 2 752 million shall be allocated to the Member States indicatively as follows:
 - (a) EUR 2 392 million as indicated in Annex I. Member States shall allocate at least 20% of these resources to the specific objective referred to in Article 3(2)(a) and at least 20% to the specific objective referred to in Article 3(2)(b). Member States may depart from these minimum percentages only where a detailed explanation is included in the national programme as to why allocating resources below this level does not jeopardise the achievement of the objective. As far as the specific objective referred to in Article 3(2)(a) is concerned, those Member States faced with structural deficiencies in the area of accommodation, infrastructure and service shall not go below the minimum percentage laid down in this Regulation.
 - (b) EUR 360 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 *transfer of beneficiaries of international protection from one Member State to another* as referred to in Article 18;
2. The amount referred to in point (b) of paragraph 1 shall support:
 - (a) specific actions listed in Annex II,
 - (b) *Union Resettlement Programme according to Articles 17 and/or transfers of beneficiaries of international protection from one Member State to another according to Article 18.*
3. *In the event that an amount remains available under point (b) of paragraph 1 or that another amount is available, it will be allocated in the framework of the mid-term review laid down in Article 15 of the Horizontal Regulation pro-rata to the basic amounts for national programmes established in Annex I.*

Article 16

Resources for specific actions

1. An additional amount as referred to in point (a) of Article 15(2) may be allocated to the Member States provided that it is earmarked as such in the programme and shall be used to implement specific actions. Those specific actions are listed in Annex II.
2. To take into account new policy developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to revise the Annex II in the context of the mid-term review *referred to in Article 15 of the Horizontal Regulation*. On the basis of the revised list of specific actions, Member States may receive an additional amount as laid down in paragraph 1, subject to available resources.
3. The additional amounts referred to in paragraphs 1 and 2 shall be allocated to the Member States in the individual financing decisions approving or revising their

national programme in the context of the mid-term review according to the procedure laid down in Articles 14 and 15 of the Regulation (EU) No .../... [Horizontal Regulation]. Those amounts shall only be used for the implementation of the specific actions.

Article 17

Resources for Union Resettlement Programme

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive every two years an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **6 000** for each resettled person.
2. The lump sum referred to in paragraph 1 shall be increased to EUR **10 000** for each person resettled according to the common Union resettlement priorities established pursuant to *paragraph 3* and **■** listed in Annex III *and for each vulnerable person as laid down in paragraph 4*.
3. *The* common Union resettlement priorities *shall be based on* **■** the following general categories:
 - persons from a country or region designated for the implementation of a Regional Protection Programme;
 - persons from a country or region which has been identified in the UNHCR resettlement forecast and where Union common action would have a significant impact in addressing the protection needs;
 - persons belonging to a specific category falling within the UNHCR resettlement criteria.
- 3a. *The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to amend Annex III, based on the general categories set out in paragraph 3, where there is a clear justification for doing so or in light of any recommendations from UNHCR.*
4. The following vulnerable groups of *persons shall also* qualify for the lump sum provided for in paragraph 2 :
 - women and children at risk,
 - unaccompanied minors,
 - persons having medical needs that can be addressed only through resettlement,
 - persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs, *including victims of violence or torture*.
5. Where a Member State resettles a person according to more than one of categories referred to in paragraphs 1 and 2, it shall receive the lump sum for that person only once.

- 5a. *Where appropriate, family members of persons referred to in paragraphs 1, 3 and 4 may also be eligible for lump sums, provided that they have been resettled in accordance with this Regulation.*
6. The Commission shall establish by way of implementing acts the timetable and other implementation conditions related to the allocation mechanism of resources for Union Resettlement Programme in accordance with the procedure referred to in Article 27(2).
7. The additional amounts referred to in paragraph 1 *and 2* shall be allocated to the Member States every two years, for the first time in the individual financing decisions approving their national programme according to the procedure laid down in Article 14 of the Regulation (EU) No .../... [Horizontal Regulation] and later in a financing decision to be annexed to the decisions approving their national programme. Those amounts shall not be transferred to other actions under the national programme.
8. To effectively pursue the objectives of the Union Resettlement Programme and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 to adjust, if deemed appropriate, the lump sums referred to in paragraphs 1 and 2, *in particular taking into account the current rates of inflation, relevant developments in the field of resettlement as well as factors which can optimise the use of the financial incentive brought by the lump sum.*

Article 18

Resources for *the transfer beneficiaries of international protection*

1. *With a view to implementing the principle of solidarity and fair sharing of responsibility and in light of EU policy developments within the implementation period of the Fund*, Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 15(1), receive, █ an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR 6 000 for each *beneficiary of international protection transferred* from another Member State.
- 1a. *Family members of persons referred to in paragraph 1 may also be eligible for lump sums where appropriate, provided that they have been transferred in accordance with this Regulation.*
- █
3. The additional amounts referred to in paragraph 1 shall be allocated to the Member States █ for the first time in the individual financing decisions approving their national programme according to the procedure laid down in Article 14 of the Regulation (EU) No .../... [Horizontal Regulation] and later in a financing decision to be annexed to the decision approving their national programme. Those amounts shall not be transferred to other actions under the national programme.
4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States *referred to in Article 80 TFEU* and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance

with Article 26 to adjust the lump sum referred to in paragraph 1, *in particular taking into account the current rates of inflation, relevant developments in the field of transfer of beneficiaries of international protection from one Member State to another as well as factors which can optimise the use of the financial incentive brought by the lump sum.*

Article 20

National programmes

1. Under the programmes, to be examined and approved in accordance with Article 14 of the Regulation (EU) No .../... [Horizontal Regulation], Member States shall *within the objectives defined in Article 3, taking account of the outcome of the dialogue referred to in Article 13 of Regulation (EU) No.../2012 [Horizontal Regulation]* pursue in particular the following objectives:
 - (a) strengthening the establishment of Common European Asylum System by ensuring the efficient and uniform application of the Union acquis on asylum *and the proper functioning of the Dublin Regulation. These actions may also include* the establishment and development of the Union Resettlement Programme;
 - (c) setting up and developing integration strategies , encompassing different aspects of the two way dynamic process, *to be implemented at national/local/regional level where appropriate, taking into account the integration needs of third country nationals at local/regional level*, addressing specific needs of different categories of migrants and developing effective partnerships between *relevant* stakeholders;
 - (d) developing *a return programme, which includes a component on* assisted voluntary return *and, where appropriate* on reintegration.
2. Member States shall ensure that all actions supported under *the Fund shall be implemented in full compliance with fundamental rights and human dignity. In particular, such actions shall fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.*
3. *Subject to the requirement to pursue the above objectives and taking into account their individual circumstances, Member States shall aim at a fair and transparent distribution of resources among the specific objectives set out in Article 3(2).*

Article 21

Union actions

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

2. To be eligible for funding, Union actions shall, in particular, support:
- (a) the furthering of Union cooperation in implementing Union law and *in sharing* good practices in the field of asylum, ***notably on resettlement and transfer of applicants for and/or beneficiaries of international protection from one Member State to another including through networking and exchanging information, legal migration***, integration of third-country nationals, ***including arrival support and coordination activities to promote resettlement with the local communities that are to welcome resettled refugees***, and return;
 - (b) the setting-up of transnational cooperation networks and pilot projects, including innovative projects, based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation, and to facilitate exchanges of experience and good practice;
 - (c) studies ***and research*** on possible new forms of Union cooperation in the field of asylum, immigration, integration and return and relevant EU law, the dissemination and exchange of information on best practices and on all other aspects of asylum, immigration, integration and return policies, including corporate communication on the political priorities of the Union;
 - (d) development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of asylum, legal migration and integration and return;
 - (e) preparatory, monitoring, administrative and technical support, development of an evaluation mechanism, required to implement the policies on asylum and immigration;
 - (f) cooperation with third countries ***on the basis of the Union's Global Approach to Migration and Mobility***, in particular in the framework of the implementation of readmission agreements, mobility partnerships **■**, regional protection programmes.
 - (g) ***information measures and campaigns in third countries aimed at raising awareness of appropriate legal channels for immigration and the risks of illegal immigration.***
3. The actions referred to in this Article shall be implemented in accordance with Article 7 of the Regulation (EU) No.../... [Horizontal Regulation].
4. ***The Commission shall ensure a fair and transparent distribution of resources among the objectives referred in Article 3(2).***

Article 22

Emergency assistance

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation ***as defined in Article 2(f). Measures implemented in third countries in accordance with this Article shall be consistent with and, where relevant, complementary to the Union humanitarian policy and respect humanitarian principles as set out in the Consensus on Humanitarian Aid.***

2. Emergency assistance shall be implemented in accordance with *Articles 7 and 8* of the Regulation (EU) No .../...[Horizontal Regulation].

Article 23

European Migration Network

1. The Fund shall support the European Migration Network and provide financial assistance necessary for its activities and its future development.
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 **by the Commission, after approval by the Steering Board** in accordance with the procedure referred to in Article 4(5)(a) of *Decision 2008/381/EC, which constitutes a financing decision pursuant to Article 84 of Regulation (EU, Euratom) No 966/2012*.
8. Financial assistance provided for the activities of the European Migration Network shall take **the** form of grants to the National Contact Points and public contracts as appropriate, in line with Regulation (EU, Euratom) No 966/2012. **The assistance shall ensure appropriate and timely financial support to National Contact Points. Costs incurred for the implementation of actions of the National Contact Points supported through grants awarded in 2014 may be eligible from 1 January 2014.**
9. **Decision 2008/381/EC is hereby amended as follows:**
 - (a) **Article 4(5)(a) is replaced by the following: "prepare and approve the draft work programme of activities, notably in regard to the objectives and thematic priorities and an indicative amount of the budget for each National Contact Point to ensure the proper functioning of the European Migration Network, on the basis of a draft from the Chair."**
 - (b) **Article 6(4) is replaced by the following: "The Commission shall monitor the execution of the work programme of activities and regularly report on its execution and the development of the European Migration Network to the Steering Board."**
 - (c) **Article 6(5) to (8) is deleted.**
 - (d) **Article 11 is deleted.**
 - (e) **Article 12 is deleted.**

Article 24

Technical assistance

1. At the initiative and/or on behalf of the Commission, up to EUR 2,5 million of the Fund shall be annually used for technical assistance in accordance with Article 10 of the Regulation (EU) No .../... [Horizontal Regulation].

2. At the initiative of a Member State, the Fund *may finance* technical assistance *activities*, in accordance with Article 20 of Regulation (EU) No .../... [Horizontal Regulation]. *The amount set aside for technical assistance shall not exceed, for the period 2014 to 2020, 5.5% of the total amount allocated to a Member States plus EUR 1.000.000.*

Article 24a

Coordination

The Commission and the Members States, together with the European External Action Service where appropriate, shall ensure that actions in and in relation to third countries are taken in synergy and coherence with other actions outside the Union supported through Union instruments. They shall, in particular, ensure that those actions:

- (a) are coherent with the Union's external policy, respect the principle of policy coherence for development, and are consistent with the strategic programming documents for the region or country in question;*
- (b) focus on non-development-oriented measures;*
- (c) serve the interests of the Union's internal policies and are consistent with activities undertaken inside the Union.*

CHAPTER VI

FINAL PROVISIONS

Article 25

Specific provisions concerning lump sums for resettlement and *transfer of beneficiaries of international protection from one Member State to another*

By way of derogation from the rules on the eligibility of expenditure laid down in Article 18 of the Regulation (EU) No .../... [Horizontal Regulation], in particular as regards the lump sums and flat rates, the lump sums allocated to the Member States for resettlement and/or *transfer of beneficiaries of international protection from one Member State to another* pursuant to this Regulation shall be:

- exempt from the obligation that they are to be based on statistical or historic data; and
- granted provided that the person in respect of whom the lump sum is allocated was effectively resettled and/or *transferred* in accordance with this Regulation.

Article 26

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of 7 years from date of entry into force of this Regulation. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 7 years period. The* delegation of powers shall be tacitly extended for *a period of three years*, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 27

Committee procedure

1. The Commission shall be assisted by the common Committee "Asylum, Migration and *Internal Security Funds*" established by Article 55(1) of the Regulation (EU) No .../... [Horizontal Regulation].
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 28

Review

On the basis of a proposal from the Commission, the European Parliament and the Council shall review this Regulation by 30 June 2020 at the latest.

Article 29

Applicability of the Regulation (EU) No .../... [Horizontal Regulation]

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

Article 30

Repeal

The following Decisions are repealed with effect from 1 January 2014:

- (a) Decision No 573/2007/EC;
- (b) Decision No 575/2007/EC;
- (c) Decision 2007/435/EC;



Article 31

Transitional provisions

1. This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of the projects and annual programmes concerned, until their closure, or of assistance approved by the Commission on the basis of Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC or any other legislation applying to that assistance on 31 December 2013. This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of financial support approved by the Commission on the basis of Decision 2008/381/EC or any other legislation applying to that assistance on 31 December 2013.
2. When adopting decisions on co-financing under this Regulation, the Commission shall take account of measures adopted on the basis of Decisions No 573/2007/EC, No 575/2007/EC, 2007/435/EC and 2008/381/EC before [date of publication in the Official Journal] which have financial repercussions during the period covered by that co-financing.
3. Sums committed for co-financing approved by the Commission between 1 January 2011 and 31 December 2013 for which the documents required for closure of the actions have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2017, giving rise to the repayment of amounts unduly paid.
4. Amounts relating to actions which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.
5. ***Member States shall submit to the Commission by 30 June 2015 evaluation reports on the results and impact of actions co-financed under the Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC concerning the period 2011 to 2013.***
6. ***The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by***

31 December 2015 ex-post evaluation reports under the Decisions No 573/2007/EC, No 575/2007/EC and 2007/435/EC concerning the period 2011 to 2013.

Article 32

Entry into force and application

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

It shall apply from 1 January 2014

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX I

Multiannual breakdowns per Member States for 2014-2020

<i>Member State</i>	<i>Minimum amount</i>	<i>% average 2011-2013 allocations ERF+IF+RF</i>	<i>Average amount 2011-2013</i>	<i>TOTAL</i>
<i>AT</i>	<i>5,000,000 €</i>	<i>2.65%</i>	<i>59,533,977 €</i>	<i>64,533,977 €</i>
<i>BE</i>	<i>5,000,000 €</i>	<i>3.75%</i>	<i>84,250,977 €</i>	<i>89,250,977 €</i>
<i>BG</i>	<i>5,000,000 €</i>	<i>0.22%</i>	<i>5,006,777 €</i>	<i>10,006,777 €</i>
<i>CY</i>	<i>10,000,000 €</i>	<i>0.99%</i>	<i>22,308,677 €</i>	<i>32,308,677 €</i>
<i>CZ</i>	<i>5,000,000 €</i>	<i>0.94%</i>	<i>21,185,177 €</i>	<i>26,185,177 €</i>
<i>DE</i>	<i>5,000,000 €</i>	<i>9.05%</i>	<i>203,416,877 €</i>	<i>208,416,877 €</i>
<i>EE</i>	<i>5,000,000 €</i>	<i>0.23%</i>	<i>5,156,577 €</i>	<i>10,156,577 €</i>
<i>ES</i>	<i>5,000,000 €</i>	<i>11.22%</i>	<i>252,101,877 €</i>	<i>257,101,877 €</i>
<i>FI</i>	<i>5,000,000 €</i>	<i>0.82%</i>	<i>18,488,777 €</i>	<i>23,488,777 €</i>
<i>FR</i>	<i>5,000,000 €</i>	<i>11.60%</i>	<i>260,565,577 €</i>	<i>265,565,577 €</i>
<i>GR</i>	<i>5,000,000 €</i>	<i>11.32%</i>	<i>254,348,877 €</i>	<i>259,348,877 €</i>
<i>HR</i>	<i>5,000,000 €</i>	<i>0.54%</i>	<i>12,133,800 €</i>	<i>17,133,800 €</i>
<i>HU</i>	<i>5,000,000 €</i>	<i>0.83%</i>	<i>18,713,477 €</i>	<i>23,713,477 €</i>
<i>IE</i>	<i>5,000,000 €</i>	<i>0.65%</i>	<i>14,519,077 €</i>	<i>19,519,077 €</i>
<i>IT</i>	<i>5,000,000 €</i>	<i>13.59%</i>	<i>305,355,777 €</i>	<i>310,355,777 €</i>
<i>LT</i>	<i>5,000,000 €</i>	<i>0.21%</i>	<i>4,632,277 €</i>	<i>9,632,277 €</i>
<i>LU</i>	<i>5,000,000 €</i>	<i>0.10%</i>	<i>2,160,577 €</i>	<i>7,160,577 €</i>
<i>LV</i>	<i>5,000,000 €</i>	<i>0.39%</i>	<i>8,751,777 €</i>	<i>13,751,777 €</i>
<i>MT</i>	<i>10,000,000 €</i>	<i>0.32%</i>	<i>7,178,877 €</i>	<i>17,178,877 €</i>
<i>NL</i>	<i>5,000,000 €</i>	<i>3.98%</i>	<i>89,419,077 €</i>	<i>94,419,077 €</i>
<i>PL</i>	<i>5,000,000 €</i>	<i>2.60%</i>	<i>58,410,477 €</i>	<i>63,410,477 €</i>
<i>PT</i>	<i>5,000,000 €</i>	<i>1.24%</i>	<i>27,776,377 €</i>	<i>32,776,377 €</i>
<i>RO</i>	<i>5,000,000 €</i>	<i>0.75%</i>	<i>16,915,877 €</i>	<i>21,915,877 €</i>
<i>SE</i>	<i>5,000,000 €</i>	<i>5.05%</i>	<i>113,536,877 €</i>	<i>118,536,877 €</i>
<i>SI</i>	<i>5,000,000 €</i>	<i>0.43%</i>	<i>9,725,477 €</i>	<i>14,725,477 €</i>
<i>SK</i>	<i>5,000,000 €</i>	<i>0.27%</i>	<i>5,980,477 €</i>	<i>10,980,477 €</i>
<i>UK</i>	<i>5,000,000 €</i>	<i>16.26%</i>	<i>365,425,577 €</i>	<i>370,425,577 €</i>
<i>MS Totals</i>	<i>145,000,000 €</i>	<i>100.00%</i>	<i>2,247,000,000 €</i>	<i>2,392,000,000 €</i>

ANNEX II

List of specific actions *referred to in* Article 16

1. Establishment and development in the Union of transit and processing centres for refugees, in particular to support resettlement operations in cooperation with the UNHCR
2. New approaches, in cooperation with the UNHCR, concerning access to asylum procedures targeting main countries of transit such as protection programmes for particular groups or certain procedures for examination of applications for asylum
3. Joint initiatives amongst Member States in the field of integration, such as benchmarking exercises, peer reviews or testing of European modules, for example on the acquisition of language skills or the organisation of introductory programmes ***and with the aim of improving the coordination of policies between Member States, regions and local authorities.***
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.
5. Joint return operations, including joint actions on implementation of Union readmission agreements.
6. Joint reintegration projects in the countries of origin with a view to sustainable return, as well as joint actions to strengthen third countries' capacities to implement Union readmission agreements.
7. Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin.
8. ***Joint initiatives among Member States in the field of legal migration, including the setting up of joint migration centres in third-countries, as well as joint projects to promote cooperation between Member States with a view to encouraging the use of exclusively legal migration channels and informing on the risks of illegal immigration.***

ANNEX III

List of common Union resettlement priorities ■

1. The Regional Protection Programme in Eastern Europe (Belarus, Moldova, Ukraine).
2. The Regional Protection Programme in the Horn of Africa (Djibouti, Kenya, Yemen).
3. The Regional Protection Programme in North Africa (Egypt, Libya, Tunisia).
4. Refugees in the region of Eastern Africa / Great Lakes.
5. Iraqi refugees in Syria, Lebanon, Jordan.
6. Iraqi refugees in Turkey .
- 6a. *Syrian refugees in the region.***

ANNEX IV

List of common Indicators for the measurement of the Specific Objectives

- (a) *to strengthen and develop all aspects of the Common European Asylum System, including its external dimension;*
- (i) *Number of target group persons provided with assistance through projects in the field of reception and asylum systems supported under this Fund*
For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down in subcategories such as:
- *number of target group persons benefiting from information and assistance throughout the asylum procedures;*
 - *number of target group persons benefiting from legal assistance and representation;*
 - *number of vulnerable persons and unaccompanied minors benefiting from specific assistance;*
- (ii) *Capacity (i.e. number of places) of new reception accommodation infrastructure set up in line with the common requirements for reception conditions set out in the EU acquis and of existing reception accommodation infrastructure improved in line with the same requirements as a result of the projects supported under this Fund and percentage in the total reception accommodation capacity*
- (iii) *Number of persons trained in ■ asylum-related topics with the assistance of the Fund, and that number as a percentage of the total number of staff trained in those topics;*
- (iv) *Number of country of origin information products and fact-finding missions conducted with the assistance of the Fund;*
- (v) *Number of projects supported under this Fund to develop, monitor and evaluate asylum policies in Member States*
- (vi) *Number of persons resettled with support of this Fund*
- (b) *to support legal migration to the Member States in line with their economic and social needs, such as labour market needs, while reducing the abuse of legal migration, and to promote the effective integration of third-country nationals;*
- (i) *Number of target group persons who participated in pre-departure measures supported under this Fund*
- (ii) *Number of target group persons assisted by this Fund through integration measures in the framework of national, local and regional strategies*
For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down in subcategories such as:

- *number of target group persons assisted through measures focusing on education and training, including language training and preparatory actions to facilitate access to the labour market;*
 - *number of target group persons supported through the provision of advice and assistance in the area of;*
 - *number of target group persons assisted through the provision of health and psychological care;*
 - *number of target group persons assisted through measures related to democratic participation;*
- (iii) *Number of local, regional and national policy frameworks/measures/tools in place for the integration of third country nationals and involving civil society, migrant communities as well as all other relevant stakeholders as a result of the measures supported under this Fund*
- (iv) *Number of cooperation projects with other Member States on integration of third-country nationals supported under this Fund*
- (v) *Number of projects supported under this Fund to develop, monitor and evaluate integration policies in Member States;*
- (c) *to enhance fair and effective return strategies in the Member States supporting the fight against illegal migration with an emphasis on sustainability of return and effective readmission in the countries of origin and transit;*
- (i) *Number of persons trained on return-related topics with the assistance of the Fund*
- (ii) *Number of returnees who received pre or post return reintegration assistance co-financed by the Fund*
- (iii) *Number of returnees whose return was co-financed by the Fund persons who returned voluntarily and persons who were removed*
- (iv) *Number of monitored removal operations co-financed by the Fund*
- (v) *Number of projects supported under this Fund to develop, monitor and evaluate return policies in Member States;*
- (d) *to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.*
- (i) *Number of applicants and beneficiaries of international protection transferred from one Member State to another with support of this Fund*
- (ii) *Number of cooperation projects with other Member States on enhancing solidarity and responsibility sharing between the Member*

ANNEX TO THE DRAFT LEGISLATIVE RESOLUTION

Statements by the European Parliament

Article 80 TFEU:

"The European Parliament, in the light of the need to adopt this Regulation in time for implementation of the Asylum, Migration and Integration Fund ('the Fund') from the beginning of 2014, in the interests of finding an agreement to that end, and in the light of the intransigence of the Council, has accepted the text of the Regulation as agreed above. Nevertheless, the European Parliament reiterates its view – which it has maintained throughout negotiations on this Regulation – that the correct legal basis for the Fund includes Article 80, second sentence, TFEU as a joint legal basis. This legal basis is designed to give effect to the principle of solidarity as expressed in Article 80, first sentence, TFEU. In particular, the Fund implements the principle of solidarity in its provisions on the transfer of applicants for and beneficiaries of international protection (Articles 7 & 18) and in its provisions on resettlement (Article 17). The European Parliament underlines the fact that the adoption of this Regulation is strictly without prejudice to the range of legal bases available to the co-legislator in the future, in particular with regard to Article 80 TFEU".

Relocation:

"With the aim of promoting relocation as a solidarity tool and improving the conditions pertaining to relocation, the European Parliament calls the European Asylum Support Office (EASO), in cooperation with the European Commission (EC), to develop a handbook and a methodology on relocation, following a mapping of relocation best practices in Member States, including internal organization systems and reception and integration conditions. In order to create an incentive for relocation and facilitate relocation operations for the participating Member States, the European Parliament calls also the EASO to provide expertise on relocation and coordinate, in cooperation with EC, an expert network on relocation, which could regularly meet for technical meetings on specific practical and legislative issues, as well as provide support on the use of the Asylum, Migration and Integration Fund for relocation. The European Parliament calls the EC to monitor and regularly report on the evolution and improvement of the asylum system in Member States benefiting from relocation."

Statement by the Council

Article 80 TFEU:

"The Council underlines the importance of the principle of solidarity and fair sharing of responsibility which, in accordance with Article 80 TFEU, is to be given effect in Union acts

adopted pursuant to the Chapter of the TFEU on policies on border checks, asylum and immigration. The Regulation establishing the Asylum and Migration Fund contains appropriate measures to give effect to the above principle. However, the Council reiterates its view that Article 80 TFEU does not constitute a legal basis within the meaning of EU law. Within the said Chapter, only Article 77(2) and (3), Article 78(2) and (3) and Article 79(2), (3) and (4) TFEU contain legal bases enabling the relevant EU institutions to adopt EU legal acts."

Statements by the Commission

Article 80 TFEU:

"The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, supports the final text; however it notes that this is without prejudice to its right of initiative with regard to the choice of legal bases, in particular in reference to the future use of Article 80 TFEU."

European Migration Network (EMN):

"The Commission, in a spirit of compromise, supports the final text on Article 23 which ensures continued funding support to the activities of the European Migration Network while maintaining its current structure, objectives and governance, as set out in Council Decision 2008/381/EC of 14 May 2008. However the Commission notes that this is without prejudice to its right of initiative with regard to a future more comprehensive revision of the set up and functioning of this network, as envisaged in the Commission's initial proposal for Article 23."

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.

7.9.2012

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
(COM(2011)0751 – C7-0443/2011 – 2011/0366(COD))

Rapporteur: Sophocles Sophocleous

SHORT JUSTIFICATION

In the area of home affairs policies, covering security, migration and the management of external borders, the Commission is proposing, for the period 2014-2020, to simplify the structure of the expenditure instruments by reducing the number of programmes to a two pillar structure. The Asylum and Migration Fund constitutes one of these two pillars, next to a new Internal Security Fund.

The Committee on Foreign Affairs welcomes the efforts to achieve through this Fund a greater solidarity among all EU Member States with a view to efficient policy coordination and burden-sharing.

It stresses the importance of ensuring coherence and consistency between the measures taken under this Fund and those under the external financing instruments, especially given the fact that this Fund will be partly used to support cooperation with third countries, in particular in the framework of the implementation of readmission agreements, mobility partnerships and regional protection programmes.

More generally, the Fund should be used in accordance with the external action of the Union in general, and should comply with its objectives and the principles guiding them as defined in Article 21 of the Treaty on European Union.

The Committee on Foreign Affairs therefore advocates a strong and clearly defined involvement of the European External Action Service, especially at the programming stage of the Fund, in order to avoid any overlap with other instruments towards third countries and on the contrary ensure synergies and complementarity. It furthermore emphasises that all actions supported by the Fund should be in compliance with the fundamental rights of the categories of persons targeted by this Regulation and that certain actions financed by the Fund should specifically aim at strengthening this compliance with fundamental rights.

AMENDMENTS

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

Amendment 1

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) In order to ensure that the measures under the Fund are fully coherent with and complementary to measures supported through the external financing instruments of the Union, and comply with the objectives and principles of the Union external action, the European External Action Service should, in addition to the relevant Commission services, be fully involved in the programming and monitoring process of the Fund.

Amendment 2

Proposal for a regulation Article 3 – paragraph 2 – point a – subparagraph 2

Text proposed by the Commission

Amendment

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;

The achievement of this objective shall be measured by indicators **including**, inter alia, the quality of asylum procedures, the convergence of recognition rates across Member States, and Member States' resettlement efforts;

Amendment 3

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Measures taken to achieve the objectives defined in paragraphs 1 and 2 shall be fully coherent with and complementary to measures supported through the external financing instruments of the Union and comply with the objectives and principles of the Union external action.

Amendment 4

Proposal for a regulation

Article 5 – paragraph 1 – point (e)

Text proposed by the Commission

Amendment

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

(e) information for local communities as well as training for the staff of local authorities, who will be interacting with those being received, ***especially on compliance with fundamental rights of asylum seekers;***

Amendment 5

Proposal for a regulation

Article 5 – paragraph 2 – point (b)

Text proposed by the Commission

Amendment

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

(b) setting-up of administrative structures, systems and training of staff and relevant judicial authorities to ensure smooth access to asylum procedures for asylum seekers and efficient and quality asylum procedures ***complying with the fundamental rights of asylum seekers; to this end, the European Asylum Curriculum must be maintained up-to-***

date and expanded to include other expert bodies, such as relevant civil society organisations, in its work.

Amendment 6

Proposal for a regulation Article 7 – point (b)

Text proposed by the Commission

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

Amendment

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

Amendment 7

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

Amendment 8

Proposal for a regulation Article 10 – point (c)

Text proposed by the Commission

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

Amendment

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

cooperation and networking;

experience and good practices, cooperation and networking;

Amendment 9

Proposal for a regulation

Article 11 – point (b)

Text proposed by the Commission

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

Amendment

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

Amendment 10

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 11

Proposal for a regulation

Article 21 – paragraph 2 - point (c)

Text proposed by the Commission

(c) studies on possible new forms of Union cooperation in the field of asylum, immigration, integration and return and relevant EU law, the dissemination and exchange of information on best practices and on all other aspects of asylum, immigration, integration and return policies, including corporate communication on the political priorities of

Amendment

(c) studies on possible new forms of Union cooperation in the field of asylum, immigration, integration and return and relevant EU law, the dissemination and exchange of information on best practices and on all other aspects of asylum, immigration, integration and return policies, including corporate communication on the political priorities of

the Union;

the Union *and the respect of fundamental rights of persons falling within the categories set out in Article 4;*

PROCEDURE

Title	Asylum and Migration Fund
References	COM(2011)0751 – C7-0443/2011 – 2011/0366(COD)
Committee responsible Date announced in plenary	LIBE 15.12.2011
Opinion by Date announced in plenary	AFET 15.12.2011
Rapporteur Date appointed	Sophocles Sophocleous 20.12.2011
Previous rapporteur	Kyriakos Mavronikolas
Date adopted	6.9.2012
Result of final vote	+: 41 -: 3 0: 4
Members present for the final vote	Frieda Brepoels, Elmar Brok, Mário David, Andrzej Grzyb, Anna Ibrisagic, Liisa Jaakonsaari, Anneli Jäätteenmäki, Ioannis Kasoulides, Nicole Kiil-Nielsen, Evgeni Kirilov, Maria Eleni Koppa, Andrey Kovatchev, Paweł Robert Kowal, Wolfgang Kreissl-Dörfler, Eduard Kukan, Vytautas Landsbergis, Sabine Lösing, Ulrike Lunacek, María Muñoz De Urquiza, Raimon Obiols, Ria Oomen-Ruijten, Pier Antonio Panzeri, Mirosław Piotrowski, Hans-Gert Pöttering, Cristian Dan Preda, Nikolaos Salavrakos, György Schöpflin, Werner Schulz, Adrian Severin, Marek Siwiec, Charles Tannock, Geoffrey Van Orden, Sir Graham Watson, Boris Zala, Karim Zéribi
Substitute(s) present for the final vote	Charalampos Angourakis, Elena Băsescu, Andrew Duff, Tanja Fajon, Hélène Flautre, Emilio Menéndez del Valle, Jean Roatta, Carmen Romero López, Helmut Scholz, Indrek Tarand, Ivo Vajgl
Substitute(s) under Rule 187(2) present for the final vote	Danuta Jazłowiecka, Sophocles Sophocleous

5.9.2012

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
(COM(2011)0751 – C7-0433/2011 – 2011/0366(COD))

Rapporteur: Michèle Striffler

AMENDMENTS

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

Amendment 1

Proposal for a regulation Indent 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a regulation Indent 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the European Consensus on Development and the

Amendment 3

Proposal for a regulation

Recital 1

Text proposed by the Commission

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

Amendment

(1) The Union's objective to constitute an area of freedom, security and justice should be achieved, inter alia, through common measures framing a policy on asylum and immigration, based on solidarity between Member States, which is fair towards *third countries* and their nationals. ***This objective should be implemented within the framework of the European Consensus on Development, which requires the EU to take account of development cooperation objectives in all the policies that it implements which are likely to affect developing countries.*** The European Council of 2 December 2009 recognised that financial resources within the Union should be made increasingly flexible and coherent, both in terms of scope and of applicability, to support policy developments in the field of asylum and migration.

Amendment 4

Proposal for a regulation

Recital 3

Text proposed by the Commission

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

Amendment

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

cooperation with third countries.

cooperation with third countries. *Civil society organisations and local and regional authorities in the Member States and in third countries should participate in the process of programming, implementing and evaluating the multiannual programmes financed through this Fund. The European Parliament and the national parliaments of partner countries should also be informed and consulted in good time on the activities carried out under the Fund.*

Amendment 5

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) The Fund should be implemented *in full respect with* the rights and principles enshrined in the Charter of Fundamental Rights of the European Union. In particular, eligible actions should take account of the specific situation of vulnerable persons, *in particular*, with *special attention and dedicated responses* to unaccompanied minors and other minors at risk.

Amendment

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

Amendment 6

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external

Amendment

(25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external

assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly *development-oriented* and they should complement, when appropriate, the financial assistance provided through external aid instruments. **Coherence** will also be ***ensured with the Union humanitarian policy, in particular as regards*** the implementation of emergency assistance.

Amendment 7

Proposal for a regulation Recital 36

Text proposed by the Commission

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

assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions *that are directly oriented towards development* and they should complement, when appropriate, the financial assistance provided through external aid instruments ***while respecting the principle of policy coherence for development, as required by Article 35 of the Consensus on Development. It*** will also be ***important to ensure that*** the implementation of emergency assistance ***is consistent with and complementary to the Union humanitarian policy and respects humanitarian principles as set out in the Consensus on Humanitarian Aid.***

Amendment

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

Amendment 8

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The general objective of the Fund shall be to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy, ***while respecting policy coherence for development and the human-rights-based approach to the protection of migrants, refugees and asylum-seekers.***

Amendment 9

Proposal for a regulation Article 3 – paragraph 2 – point a – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 10

Proposal for a regulation Article 3 – paragraph 2 – point b – subparagraph 1

Text proposed by the Commission

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

Amendment

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

beneficiaries of international protection;

seekers and beneficiaries of international protection;

Amendment 11

Proposal for a regulation

Article 3 – paragraph 2 – point b – subparagraph 2

Text proposed by the Commission

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

Amendment

The achievement of this objective shall be measured by indicators, inter alia, the level of increased participation of third-country nationals in employment, education and in democratic processes. ***The measures implemented to achieve this objective must take account of the consequences of the brain drain in third countries and alleviate them.***

Amendment 12

Proposal for a regulation

Article 3 – paragraph 2 – point c – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 13

Proposal for a regulation

Article 3 – paragraph 2 – point d – subparagraph 1

Text proposed by the Commission

(d) to enhance *the* solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

Amendment

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

Amendment 14

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Amendment 16

Proposal for a regulation

Article 3 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission shall regularly monitor and examine the objectives of the Fund and evaluate the results of implementation, as well as the effectiveness of programming, through independent external evaluations, in order to ensure that the objectives have been achieved and to allow recommendations to be drawn up to improve future action. Due account shall be taken of proposals by the European Parliament or the Council concerning independent external evaluations. The Commission shall ensure

that all stakeholders, including civil society, national parliaments and local authorities, are involved in the evaluation process for Union aid granted under this Regulation.

Amendment 17

Proposal for a regulation Article 8 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 18

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

Text proposed by the Commission

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

Amendment

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

in particular include the following:

Amendment 19

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 20

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

Text proposed by the Commission

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

Amendment

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

Amendment 21

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

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

countries in line with this Article must be consistent with and complementary to the Union humanitarian policy and respect humanitarian principles as set out in the Consensus on Humanitarian Aid.

PROCEDURE

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

17.9.2012

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
(COM(2011)0751 – C7-0443/2011 – 2011/0366(COD))

Rapporteur: Monika Hohlmeier

SHORT JUSTIFICATION

The Asylum and Migration Fund in the context of the legal framework for 2014-2020

This regulation on "establishing the Asylum and Migration Fund" is part of four legislative proposals which the Commission proposes in order to respond to the management of migration flows and security threats in the area of freedom, security and justice for the period 2014-2020. Funding for these activities is currently covered by a variety of separate Funds, such as the European Refugee Fund, the European Fund for the Integration of Third-Country Nationals, the European Return Fund, Prevention of and the fight against Crime (ISEC), Prevention, Preparedness and consequence management of Terrorism and other Security-related risks (CIPS) and by the External Borders Fund. The Commission proposes to simplify the structure of the home affairs programmes by reducing the number of Funds to two:

- the present Asylum and Migration Fund and
- an Internal Security Fund.

By doing so, the Commission seeks to better align spending at EU level with the Union's policy objectives. The new design of the next Multiannual Financial Framework is also seen as a chance to improve and simplify the way funding is delivered in the field of Home affairs. The two Funds shall function as far as possible with identical delivery mechanisms.

The Home affairs budget

In June 2011 the Commission presented proposals on the Multiannual Financial Framework including a home affairs overall budget of EUR 10,9 billion for the period 2014-2020¹.

This amount covers spending on financial programmes and also funding for large-scale IT

¹ COM(2011)500 final of 29 June 2011

systems and the EU agencies active in the home affairs area¹.

Home affairs budget 2014-2020	EUR million (current prices)
Asylum and Migration Fund <i>including Resettlement Programme and European Migration Network</i>	3,869
Internal Security Fund <i>including new large-scale IT systems</i>	4,648
Existing large-scale IT systems and IT Agency	822
Agencies <i>(Europol, Frontex EASO, Cefpol and EMCDDA)</i>	1,572
Total	10,911

The Asylum and Migration Fund will focus on the integrated management of migration flows covering different aspects of the common EU asylum and immigration policy: actions in relation to asylum, legal migration and the integration of third-country nationals, and return operations.

The amendments

The shared management method is increasingly being considered appropriate for all home affairs policy areas and has been extended to the area of internal security where it was not used previously. Consequently, it has to be ensured that the implementation in shared management is in line with the provisions of the Financial regulation. Therefore your Rapporteur proposes some amendments in order to strengthen control on implementation in shared management and to bring the wording into line with the revised Financial regulation.

AMENDMENTS

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

Amendment 1

Draft legislative resolution Paragraph 1 a (new)

Draft legislative resolution

Amendment

1a. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and cannot be fixed until agreement is reached on the

¹ source: Communication of the European Commission "Building an open and secure Europe: the home affairs budget 2014 - 2020"- COM(2011)0749

proposal for a regulation laying down the multiannual financial framework for the years 2014-2020;

Amendment 2

Draft legislative resolution Paragraph 1b (new)

Draft legislative resolution

Amendment

1b. Recalls its resolution of 8 June 2011 on "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"¹; reiterates that sufficient additional resources are needed in the next MFF in order to enable the Union to fulfil its existing policy priorities and the new tasks provided for in the Treaty of Lisbon, as well as to respond to unforeseen events; points out that even with an increase in the level of resources for the next MFF of at least 5% compared to the 2013 level only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity; challenges the Council, if it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value;

¹ *Texts adopted, P7_TA(2011)0266.*

Amendment 3

Draft legislative resolution Paragraph 1 c (new)

Draft legislative resolution

Amendment

1c. Emphasises that, in view of the tasks already identified and concluded by the Union, the Commission needs to reflect those policy priorities in a foresighted and adequate manner in the proposal;

Amendment 4

Draft legislative resolution Paragraph 1 d (new)

Draft legislative resolution

Amendment

1d. Reiterates that the Lisbon Treaty provides for delegated acts only as non-legislative acts of general application relating to non-essential elements of a legislative act; therefore upholds its criticism of the widespread use of delegated acts and insists that any essential element must be laid down in the legislative act in question;

Amendment 5

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In its resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe¹, the European Parliament stressed the need for an integrated approach towards pressing immigration and asylum questions as well as towards the management of the

external borders of the Union, with sufficient funding and support tools to handle emergency situations made available in a spirit of respect for human rights and solidarity amongst all Member States, respecting national responsibilities and a clear definition of tasks. It further noted that, in this regard, the increased challenges of FRONTEX, the European Asylum Support Office and the Funds on Solidarity and Management of Migration Flows need to be duly taken into consideration.

¹ *Texts adopted, P7_TA(2011)0266.*

Justification

Paragraph 107 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"

Amendment 6

Proposal for a regulation Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) In its resolution of 8 June 2011¹, the European Parliament further emphasised the need to develop better synergies between different funds and programmes and points to the fact that the simplification of the management of funds and allowing cross-financing enable the allocation of more funds to common objectives, welcomed the Commission's intention to reduce the total number of budgetary instruments in home affairs in a two pillar structure and where possible under shared management and expressed its belief that this approach should contribute significantly to an increased simplification, rationalisation, consolidation and transparency of the current funds and programmes. It

stressed, however, the need to ensure that the different objectives of home affairs policies will not be mixed up.

¹ *Texts adopted, P7_TA(2011)0266.*

Justification

Paragraph 109 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"

Amendment 7

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States.

Amendment

(16) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for third country nationals, including Union legal instruments. The Fund should also support the exchange of information, best practices and co-operation between different departments of administration as well as with other Member States. ***Technical assistance is essential to enable the Member States to support the implementation of their national programmes, assist beneficiaries in complying with their obligations and Union law and in turn to increase the visibility of and accessibility to EU funds.***

Amendment 8

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 the Geneva Convention of 28 July 1951*. In particular, eligible actions should take account of the specific situation of vulnerable persons, with special attention and dedicated responses to unaccompanied minors and other minors at risk.

Amendment 9

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be ensured with the Union humanitarian policy, in particular as regards the implementation of emergency assistance.

Amendment

(25) Measures in and in relation to third countries supported through the Fund should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be ensured with the Union humanitarian policy, in particular as regards the implementation of emergency assistance. *The Commission acting together with the EEAS should set up an effective mechanism to ensure such coherence.*

Amendment 10

Proposal for a regulation Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) The simplification of the funding structures – while providing flexibility – should maintain predictability and reliability and a balanced share should be ensured for each objective of the fund through the national programmes. Therefore, a fair share of financial resources should be allocated under the Asylum and Migration Fund in the 2014-2020 Multiannual Financial Framework to ensure continuity in supporting the objectives of the Refugee Fund and Integration Fund of the 2007-2013 Financial Framework.

Amendment 11

Proposal for a regulation Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) Where the Commission implements the Union budget under shared management, implementation tasks should be delegated to Member States. The Commission and the Member States should respect the principles of sound financial management, transparency and non-discrimination and ensure the visibility of Union action when they manage Union funds. To this end, the Commission and the Member States should fulfil their respective control and audit obligations, and assume the resulting responsibilities laid down in this Regulation. Complementary provisions should be laid down in sector-specific rules.

Amendment 12

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) Spending of funds in this area should be better coordinated in order to assure complementarity, a better efficiency and visibility, as well as to achieve better budgetary synergies.

Amendment 13

Proposal for a regulation Recital 42 b (new)

Text proposed by the Commission

Amendment

(42b) There is a need to maximise the impact of EU funding by mobilising, pooling and leveraging public and private financial resources.

Amendment 14

Proposal for a regulation Recital 42 c (new)

Text proposed by the Commission

Amendment

(42c) Utmost transparency, accountability and democratic scrutiny for innovative financial instruments and mechanisms that involve the Union budget should be ensured.

Amendment 15

Proposal for a regulation Recital 42 d (new)

Text proposed by the Commission

Amendment

(42d) Better implementation and quality of spending should constitute guiding principles for achieving the objectives of the Fund while ensuring optimal use of the financial resources.

Amendment 16

Proposal for a regulation Recital 42 e (new)

Text proposed by the Commission

Amendment

(42e) It is important to ensure the sound financial management of the Fund and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the Fund to all participants.

Amendment 17

Proposal for a regulation Recital 42 f (new)

Text proposed by the Commission

Amendment

(42f) The Commission should annually monitor the implementation of the Fund with the aid of key indicators for assessing results and impacts. These indicators, including relevant baselines, should provide the minimum basis for assessing the extent to which the objectives of the Fund have been achieved.

Amendment 18

Proposal for a regulation
Article 2 – 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 place significant and urgent demands on their reception **and detention** facilities, asylum systems **and procedures**,

Amendment

(i) one or more Member States **facing** disproportionate **asylum requests and a large** inflow of third-country nationals which place significant and urgent demands on their **technical, administrative,** reception **infrastructure** facilities **and** asylum systems,

Amendment 19

Proposal for a regulation
Article 3 – paragraph 2 – point b – second subparagraph

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 **qualitative and quantitative** indicators, inter alia the level of increased participation of third-country nationals in employment, education and in democratic processes.

Amendment 20

Proposal for a regulation
Article 3 – paragraph 2 – point d – first subparagraph

Text proposed by the Commission

(d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

Amendment

(d) to enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows, **including through practical cooperation. .**

Amendment 21

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

Text proposed by the Commission

Amendment

(aa) establishment and improvement of administrative structures, systems and training for staff, administrative and judicial authorities, judicial assistance to ensure an easy, efficient and smooth regularisation process for all claims of asylum and migration;

Amendment 22

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ab) establishment, improvement and maintenance of accommodation infrastructures and services;

Amendment 23

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. The *global resources* for the implementation of this Regulation shall be EUR 3,869 million.

1. The *prime reference financial envelope as defined in point [17] of the Interinstitutional Agreement of XX/201Z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management* for the implementation of this Regulation *for the years 2014 - 2020* shall be EUR 3,869 million.

Amendment 24

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. The annual appropriations for the Fund shall be authorised by the budgetary authority *within* the *limits* of the financial framework.

Amendment

2. The annual appropriations for the Fund shall be authorised by the budgetary authority *without prejudice to the provisions* of the *Regulation laying down the multiannual financial framework for the years 2014-2020 and the Interinstitutional Agreement of xxx/201z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management*.

Amendment 25

Proposal for a regulation

Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

3. The *global resources* shall be implemented through the following means:

Amendment

3. The *prime reference financial envelope* shall be implemented through the following means:

Amendment 26

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

4. The global resources available under this Regulation shall be implemented under shared management in accordance with [point (b) of Article 55(1) of the New Financial Regulation]¹, *with the exception of Union actions referred to in Article 21, the emergency assistance referred to in Article 22, the European Migration Network referred to in Article 23, and technical assistance referred to in Article 24*.

¹ *Triennial revision of the Financial*

Amendment

4. The *prime reference financial envelope* available under this Regulation shall be implemented *under direct management (in particular the Union actions referred to in Article 21, the emergency assistance referred to in Article 22, the European Migration Network referred to in Article 23, and technical assistance referred to in Article 24) or* under shared management in accordance with [point (b) of Article 55(1) of the New Financial Regulation]¹.

¹ *Regulation on the financial rules*

**Regulation - Commission proposal
COM(2010)0260.**

**applicable to the annual budget of the
Union (COM(2010)815 final of
22.12.2010).**

Justification

Implementation of the EU's budget under shared management should be the exception, not the rule.

Amendment 27

**Proposal for a regulation
Article 14 – paragraph 4a (new)**

Text proposed by the Commission

Amendment

4a. The Commission remains responsible for the implementation of the Union budget in accordance with Article 317 TFEU and shall inform the European Parliament and the Council on the operations carried out by entities other than Member States.

Amendment 28

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

Text proposed by the Commission

Amendment

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

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

Amendment 29

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

Text proposed by the Commission

Amendment

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

1. Without prejudice to the prerogatives of the budgetary authority, EUR 3,232 million shall be allocated to the Member

States indicatively as follows:

Amendment 30

Proposal for a regulation

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The funding allocated for the achievement of the objectives laid down in Article 3(2) shall be apportioned on a fair, balanced and transparent basis. Member States shall ensure that all actions financed by the Fund are compatible with the acquis of the Union in the areas of asylum and immigration, even if they are not bound by associated measures or subject to their application.

Amendment 31

Proposal for a regulation

Article 21 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 32

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

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

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

PROCEDURE

Title	Asylum and Migration Fund
References	COM(2011)0751 – C7-0443/2011 – 2011/0366(COD)
Committee responsible Date announced in plenary	LIBE 15.12.2011
Opinion by Date announced in plenary	BUDG 15.12.2011
Rapporteur Date appointed	Monika Hohlmeier 15.2.2012
Date adopted	6.9.2012
Result of final vote	+: 31 –: 2 0: 1
Members present for the final vote	Marta Andreasen, Richard Ashworth, Reimer Böge, Zuzana Brzobohatá, Jean-Luc Dehaene, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Jens Geier, Ingeborg Gräßle, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, George Lyon, Claudio Morganti, Jan Mulder, Juan Andrés Naranjo Escobar, Dominique Riquet, Derek Vaughan, Angelika Werthmann
Substitute(s) present for the final vote	Burkhard Balz, Maria Da Graça Carvalho, Edit Herczog, Jürgen Klute, Constanze Angela Krehl, Peter Šťastný, Georgios Stavrakakis
Substitute(s) under Rule 187(2) present for the final vote	Luigi Berlinguer

PROCEDURE

Title	Asylum and Migration Fund			
References	COM(2011)0751 – C7-0443/2011 – 2011/0366(COD)			
Date submitted to Parliament	15.11.2011			
Committee responsible Date announced in plenary	LIBE 15.12.2011			
Committee(s) asked for opinion(s) Date announced in plenary	AFET 15.12.2011	DEVE 15.12.2011	BUDG 15.12.2011	EMPL 15.12.2011
Not delivering opinions Date of decision	EMPL 15.12.2011			
Rapporteur(s) Date appointed	Sylvie Guillaume 5.12.2011			
Discussed in committee	20.3.2012	10.7.2012	11.10.2012	10.12.2012
	9.1.2014			
Date adopted	9.1.2014			
Result of final vote	+ : 45 - : 4 0 : 0			
Members present for the final vote	Jan Philipp Albrecht, Roberta Angelilli, Edit Bauer, Emine Bozkurt, Salvatore Caronna, Philip Claeys, Carlos Coelho, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Baroness Sarah Ludford, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Anthea McIntyre, Claude Moraes, Antigoni Papadopoulou, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Wim van de Camp, Axel Voss, Renate Weber, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra			
Substitute(s) present for the final vote	Alexander Alvaro, Mariya Gabriel, Stanimir Ilchev, Ulrike Lunacek, Hubert Pirker, Zuzana Roithová, Joanna Senyszyn, Marie-Christine Vergiat, Janusz Wojciechowski			
Substitute(s) under Rule 187(2) present for the final vote	Leonardo Domenici, Christian Engström, Enrique Guerrero Salom, Nadja Hirsch, Olle Ludvigsson			
Date tabled	14.1.2014			