



2018/0248(COD)

29.10.2018

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund
(COM(2018)0471 – C8-0271/2018 – 2018/0248(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Miriam Dalli

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(2018)0471 – C8-0271/2018 – 2018/0248(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0471),
 - having regard to Article 294(2) and Article 78(2) 79(2) and (4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0271/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Asylum *and* Migration
Fund

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Asylum, Migration *and*
Integration Fund

Or. en

Justification

Along with asylum and migration, integration is a key component of this Fund and this should be reflected in the title of the Fund.

Amendment 2

Proposal for a regulation Citation 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

As the Fund will finance relocation actions between Member States in the context of the Dublin Regulation, the second sentence of Article 80 must be added to the legal basis of the Fund.

Amendment 3

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) The importance of a coordinated approach by the Union and the Member States is reflected in the European Agenda on Migration of May 2015, which stressed the need for a consistent and clear common policy to restore confidence in the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the **principles** of solidarity and fair sharing of responsibility, and was confirmed in its mid-term review of September 2017 and the progress report of March and May 2018.

Amendment

(2) The importance of a coordinated approach by the Union and the Member States is reflected in the European Agenda on Migration of May 2015, which stressed the need for a consistent and clear common policy to restore confidence in the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the **principle** of solidarity and fair sharing of responsibility **as required by the Treaties**, and was confirmed in its mid-term review of September 2017 and the progress report of March and May 2018.

Or. en

Amendment 4

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) The Fund should reflect the Union's commitments towards the Sustainable Development Goals. In that regard, the 2030 Agenda provides a comprehensive shared framework for action that includes migration commitments and applies to the Union, to its Member States and to its partners.

Or. en

Justification

The Fund should also reflect the European Union's approach towards implementing the UN's 2030 Agenda for Sustainable Development.

Amendment 5

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4 b) The Fund should be implemented reflecting the commitments which the Member States are making in the Global Compacts on Refugees and on Safe, Orderly and Regular Migration.

Or. en

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) The Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights.

(5) The Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's **and the Member States'** international obligations as regards fundamental rights, **including the UN Convention on the Rights of the Child (UNCRC).**

Or. en

Amendment 7

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The principles of gender equality and of non-discrimination, which are among the Union's core values, should be respected and promoted when implementing the Fund. The Fund should

not support actions that contribute to any form of segregation or social exclusion.

Or. en

Justification

The principle of gender equality should be reinforced to ensure equal opportunities and equal treatment and to combat any form of discrimination on the grounds of gender.

Amendment 8

**Proposal for a regulation
Recital 5 b (new)**

Text proposed by the Commission

Amendment

(5 b) In the implementation of the Fund, priority should be given to actions which address the situation of unaccompanied and separated minors through early identification and registration and to actions carried out in the best interests of the child.

Or. en

Amendment 9

**Proposal for a regulation
Recital 7**

Text proposed by the Commission

Amendment

(7) The Fund should support the efficient management of migration flows, inter alia by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and the transfer of applicants for or beneficiaries of international protection between Member States, supporting integration strategies and a more effective legal migration policy, ***so as*** to ensure the Union's long-term

(7) The Fund should support the efficient management of migration flows, inter alia by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and the transfer of applicants for or beneficiaries of international protection between Member States, ***enhancing the protection of vulnerable asylum seekers such as children,*** supporting integration strategies and a

competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, avenues on legal migration and to counter irregular migration and ensure sustainability of return **and effective readmission** to third countries.

more effective legal migration policy, **creating safe and legal pathways to the Union which should also help** to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. **As an instrument of internal Union policy and the only funding instrument for asylum and migration at Union level, the Fund should primarily support actions on asylum and migration within the Union. However, within defined limits and subject to the appropriate safeguards,** the Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, **to establish** avenues on legal migration and to counter irregular migration and ensure **the** sustainability of **safe and dignified** return **to as well as reintegration in** third countries.

Or. en

Justification

The efficient management of migration flows requires the creation of safe and legal pathways. Since the Fund is an instrument of internal Union policy, it should primarily support actions within the Union and only support cooperation with third countries within defined limits and subject to the appropriate safeguards.

Amendment 10

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The migration crisis highlighted the need to reform the Common European Asylum System **to ensure that efficient asylum procedures to prevent secondary movements, to provide uniform and appropriate reception conditions for**

Amendment

(8) The migration crisis highlighted the need to reform the Common European Asylum System to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as

applicants for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection. At the same time, the reform was needed to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a Union framework for Member States' resettlement efforts. Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.

well as a Union framework for Member States' resettlement efforts. *At the same time, reform is needed to ensure that efficient asylum procedures are in place and to provide uniform and appropriate reception conditions for applications for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection.* Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.

Or. en

Justification

The proper implementation of an asylum policy requires an efficient system with uniform standards for the granting of international protection.

Amendment 11

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴ with a view to facilitating and improving the functioning of the common European asylum system, by coordinating and strengthening practical cooperation and information exchange between Member States, promoting Union law and operational standards **on asylum** in order to ensure a high degree of uniformity based on high protection standards as regards procedures for international protection, reception conditions and the assessment of

Amendment

(9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴ with a view to facilitating and improving the functioning of the common European asylum system, by coordinating and strengthening practical cooperation and information exchange **on asylum** between Member States, promoting Union **and international** law and operational standards in order to ensure a high degree of uniformity based on high protection standards as regards procedures for international protection, reception

protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, **support** the resettlement efforts of the Member States and **provide** operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

¹⁴ Regulation (EU) No ../.. of the European Parliament and of the Council of [EUAA Regulation] (OJ L ..., [date], p. ...).

conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, **monitoring the operational and technical application of the Common European Asylum System, supporting** the resettlement efforts of the Member States and **providing** operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

¹⁴ Regulation (EU) No ../.. of the European Parliament and of the Council of [EUAA Regulation] (OJ L ..., [date], p. ...).

Or. en

Justification

The language better reflects the negotiated position of the co-legislators on the new mandate for the EUAA.

Amendment 12

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 13

Proposal for a regulation Recital 10

Text proposed by the Commission

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

Amendment

(10) The Fund should support the Union and the Member States *in the implementation* of the existing Union law *in particular Directives 2013/33/EU^{1a} (Reception Conditions Directive), 2013/32/EU^{1b} (Asylum Procedures Directive) and 2011/95/EU^{1c} (Qualification Directive) of the European Parliament and of the Council and Regulation 604/2013/EU of the European Parliament and of the Council^{1d} (Dublin Regulation).*

^{1a} *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).*

^{1b} *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).*

^{1c} *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 granted (OJ L 337, 20.12.2011, p. 9).*

^{1d} *Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a*

Amendment 14

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Partnerships and cooperation with third countries are an essential component of Union asylum policy to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those countries, helping achieve the Union's migration policy objectives by increasing the Union's **leverage vis-à-vis** third countries, **and of** effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework.

Amendment

(11) Partnerships and cooperation with third countries are an essential component of Union asylum policy to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those countries, helping achieve the Union's migration policy objectives by increasing the Union's **cooperation with** third countries, **within defined limits and subject to appropriate safeguards, and by** effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement[and Humanitarian Admission] Framework.

Justification

Cooperation with third countries funded under AMIF should be carried out within defined

limits and should be subject to appropriate safeguards which would include the involvement of the co-legislators.

Amendment 15

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF). Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals ***that are generally implemented in the early stage of integration***, and horizontal actions supporting Member States' capacities in the field of integration, ***whereas*** interventions ***for*** third-country nationals ***with a longer-term impact should be*** financed under the ERDF and ESF+.

Amendment

(13) In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF). Measures financed under this Fund should support ***integration*** measures tailor-made to the needs of third-country nationals and horizontal actions supporting Member States' capacities in the field of integration, ***complemented by*** interventions ***to promote the socio-economic integration of*** third-country nationals financed under the ERDF and ESF+.

Or. en

Amendment 16

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) It is appropriate to allow those Member States that so wish to provide in their 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. The term 'immediate

Amendment

(16) It is appropriate to allow those Member States that so wish to provide in their programmes that integration actions may include immediate relatives of third-country nationals, ***thus supporting family reunification***, to the extent that this is necessary for the effective implementation

relative' should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action, and who would otherwise not be covered by the scope of the Fund.

of such actions. The term 'immediate relative' should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action, and who would otherwise not be covered by the scope of the Fund.

Or. en

Amendment 17

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Considering the crucial role played by local and regional authorities and civil society organisations in the field of integration and to facilitate the access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including through ***the use of the thematic facility and through*** a higher co-financing rate for these actions.

Amendment

(17) Considering the crucial role played by local and regional authorities and ***their representative associations, as well as by*** civil society organisations in the field of integration, and to facilitate the access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including through a higher co-financing rate for these actions ***and the use of a dedicated component of the thematic facility where those local and regional authorities have the competence to carry out integration measures.***

Or. en

Justification

Integration measures are mostly implemented at local and regional level, thus the Fund should ensure that such authorities have the adequate resources.

Amendment 18

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Considering the long-term economic and demographic challenges faced by the Union, it is crucial to establish well-functioning legal migration channels to the Union to maintain the Union as an attractive destination for migrants and ensure the sustainability of welfare systems and growth of the Union economy.

Amendment

(18) Considering the long-term economic and demographic challenges faced by the Union ***and the increasingly globalised nature of migration***, it is crucial to establish well-functioning legal migration channels to the Union to maintain the Union as an attractive destination for migrants and ensure the sustainability of welfare systems and growth of the Union economy.

Or. en

Amendment 19

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) 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 legally staying third-country nationals, ***including*** Union ***legal*** instruments. The Fund should also support the exchange of information, best practices and cooperation between different departments of administration and levels of governance, and between Member States.

Amendment

(19) 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 legally staying third-country nationals, ***in particular*** Union instruments ***for legal migration***. The Fund should also support the exchange of information, best practices and cooperation between different departments of administration and levels of governance, and between Member States.

Or. en

Amendment 20

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Member States should give preference to voluntary return. In order to promote **voluntary return**, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance ***should be envisaged for the voluntary return of persons***. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.

Amendment

(21) Member States should give preference to voluntary return ***and, consequently, the Fund should give preferential support to actions related to voluntary return***. In order to promote ***this***, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.

Or. en

Amendment 21

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Voluntary and enforced returns are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees.

Amendment

(22) Voluntary and enforced returns are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees. ***The Fund should support actions related to return of children only where such return is based on a positive assessment of the best interests of the child.***

Or. en

Justification

Children in migration are in themselves a vulnerable group, for whom any returns should be carried out with particular care having the best interest of the child as a primary concern.

Amendment 22

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Readmission agreements and other arrangements 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 and arrangements 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 interests of effective return policies ***at national and Union level***.

Amendment

(24) Readmission agreements and other arrangements 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 and arrangements are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and ***the Fund should support*** their implementation in third countries in the interests of effective return policies ***within defined limits and subject to the appropriate safeguards***.

Or. en

Amendment 23

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2011/36/EU of the European Parliament and of the Council¹⁷ which sets forth provisions on assistance, support and protection of victims of trafficking in human beings.

Amendment

(27) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2011/36/EU of the European Parliament and of the Council¹⁷ which sets forth provisions on assistance, support and protection of victims of trafficking in human beings. ***Where appropriate, these measures should be gender-specific. When implementing the Fund, Member States***

should take into consideration that persons who are obliged to leave their habitual homes for reasons of sudden or progressive climate-related change in the environment that adversely affects their lives or living conditions, have a high risk of falling victims to human trafficking;

¹⁷ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

¹⁷ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

Or. en

Justification

In implementing this Fund, actions by Member States should support and protect any victim of human trafficking. There are various reasons as to why a person could end up a victim and, in this regard, Member States are encouraged to adopt a comprehensive approach that reflects the different realities having caused the situation, whether on an individual basis or on a global level.

Amendment 24

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27 a) The Fund should support in particular the identification and the needs of asylum seekers who are victims of torture or of other serious forms of violence.

Or. en

Amendment 25

Proposal for a regulation Recital 27 b (new)

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(27 b) In order to achieve a fair and transparent distribution of resources among the objectives of the Fund, a minimum level of expenditure should be ensured for certain objectives, whether under direct, indirect, or shared management.

Or. en

Justification

Introducing a minimum level of expenditure among the different objectives of the Fund provides for a minimum degree of fair distribution of resources.

Amendment 26

**Proposal for a regulation
Recital 28**

(28) The Fund should complement and reinforce the activities undertaken in the field of return by the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council¹⁸, ***therefore contributing to effective European Integrated Border Management, as defined in Article 4 of that Regulation.***

(28) The Fund should complement and reinforce the activities undertaken in the field of return by the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council¹⁸ ***without providing an additional funding stream to the European Border and Coast Guard Agency, for which the budgetary authority decides on an annual budget which should enable it to carry out all of its tasks.***

¹⁸ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No

¹⁸ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No

Or. en

Amendment 27

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Measures in and in relation to third countries supported through the Fund should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy in respect of the country or region in question and the Union international commitments. In relation to the external dimension, the Fund should target support to enhance cooperation with third countries and to reinforce key aspects of migration management in areas of interest to the Union's migration policy.

Amendment

(30) Measures in and in relation to third countries supported through the Fund ***should be limited in financial terms and subject to appropriate safeguards. Such measures*** should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy in respect of the country or region in question and the Union international commitments. In relation to the external dimension, the Fund should target support to enhance cooperation with third countries and to reinforce key aspects of migration management in areas of interest to the Union's migration policy. ***The principle of policy coherence for development, as set out in paragraph 35 of the European Consensus on Development, should be respected. Coherence with the humanitarian principles as set out in the European Consensus on Humanitarian Aid should be ensured during the implementation of emergency assistance.***

Or. en

Justification

Actions in third countries should respect the principles set out in the European Consensus on Development, and in the case of emergency assistance, should be in line with the

humanitarian principles as set out in the European Consensus on Humanitarian Aid.

Amendment 28

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this Fund, if it has failed to fulfil its obligations under the Treaties in the area of asylum and ***return***, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on asylum and ***return or if an evaluation report under the Schengen or the European Union Agency for Asylum evaluation and monitoring mechanism has identified deficiencies in the relevant area.***

Amendment

(32) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this Fund, if it has failed to fulfil its obligations under the Treaties in the area of asylum and ***immigration or*** if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on asylum and ***immigration.***

Or. en

Amendment 29

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) This Regulation should establish the initial amounts to Member States consisting of a fixed amount and an amount calculated on the basis of criteria laid down in Annex I, which reflect the needs and pressure experienced by different Member States in the areas of asylum, integration and return.

Amendment

(34) This Regulation should establish the initial amounts to Member States consisting of a fixed amount and an amount calculated on the basis of criteria laid down in Annex I, which reflect the needs and pressure experienced by different Member States in the areas of asylum, integration and return. ***Particular attention should be given to insular societies facing disproportionate migration challenges.***

Or. en

Justification

There is a need for insular societies facing disproportionate migration challenges to receive appropriate levels of attention.

Amendment 30

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) To contribute to the achievement of the policy objective of the Fund, Member States should ensure that their programmes include actions addressing the specific objectives of this Regulation, that the priorities chosen are in line with the implementation measures as set out in Annex II and that the allocation of resources between the objectives ensures that the overall policy objective can be met.

Amendment

(36) To contribute to the achievement of the policy objective of the Fund, Member States should ensure that their programmes include actions addressing ***each of*** the specific objectives of this Regulation, ***including a minimum level of expenditure with respect to legal migration, integration and solidarity actions***, that the priorities chosen are in line with the implementation measures as set out in Annex II and that the allocation of resources between the objectives ensures that the overall policy objective can be met.

Or. en

Amendment 31

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) As challenges in the area of migration are constantly evolving, there is a need to adapt the allocation of funding to the changes in migration flows. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions, emergency assistance, resettlement and to provide additional

Amendment

(37) As challenges in the area of migration are constantly evolving, there is a need to adapt the allocation of funding to the changes in migration flows. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions, ***actions of local and regional authorities***, emergency

support for Member States contributing to solidarity and responsibility efforts via a thematic facility.

assistance, resettlement, and to provide additional support for Member States contributing to solidarity and responsibility efforts via a thematic facility.

Or. en

Amendment 32

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.

Amendment

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union, ***while respecting the need to achieve a fair and transparent distribution of funding among all the objectives of the Fund.***

Or. en

Amendment 33

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate heavy migratory pressure in one or more Member States characterised by a large or disproportionate inflow of third-country nationals, which places significant and

Amendment

(42) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate heavy migratory pressure in one or more Member States characterised by a large or disproportionate inflow of third-country nationals, which places significant and

urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, heavy migratory pressures in third countries due to political developments *or* conflicts, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.

urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, heavy migratory pressures in third countries due to political developments, conflicts *or natural disasters*, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.

Or. en

Amendment 34

Proposal for a regulation Recital 44

Text proposed by the Commission

Amendment

(44) The policy objective of this Fund will be also addressed through financial instruments and budgetary guarantee under the policy windows of the InvestEU. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the Internal market. Actions should have a clear European added value.

deleted

Or. en

Justification

This deletion reflects proposed changes being made to the operational part of the Regulation.

Amendment 35

Proposal for a regulation Recital 48

Text proposed by the Commission

Amendment

(48) Regulation (EU) .../2021 [Common

(48) Regulation (EU) .../2021 [Common

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Provisions Regulation] establishes the framework for action for ERDF, ESF+, the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum *and* Migration Fund (*AMF*), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) as a part of the Integrated Border Management Fund (IBMF), and lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for Union funds implemented under shared management. It is therefore necessary to specify the objectives of *AMF*, and to lay down specific provisions concerning the type of activities that may be financed by *AMF*.

Provisions Regulation] establishes the framework for action for ERDF, ESF+, the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum, Migration *and Integration* Fund (*AMIF*), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) as a part of the Integrated Border Management Fund (IBMF), and lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for Union funds implemented under shared management. It is therefore necessary to specify the objectives of *AMIF*, and to lay down specific provisions concerning the type of activities that may be financed by *AMIF*.

Or. en

Amendment 36

Proposal for a regulation

Recital 54

Text proposed by the Commission

(54) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, common indicators and related targets should be established in relation to each specific objective of the Fund. Through these common indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund, in accordance with the relevant

Amendment

(54) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, common indicators and related targets should be established in relation to each specific objective of the Fund. Through these common indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund, in accordance with the relevant

provisions of Regulation (EU) .../2021 of the European Parliament and of the Council [Common Provisions Regulation] and this Regulation.

provisions of Regulation (EU) .../2021 of the European Parliament and of the Council [Common Provisions Regulation] and this Regulation. ***Reports outlining monitoring results and implementation of actions under the Fund at both national and Union level should be made publicly available and presented to the European Parliament.***

Or. en

Amendment 37

Proposal for a regulation Recital 56

Text proposed by the Commission

(56) In order to supplement and amend certain non-essential elements of this Regulation, 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 in respect of ***the*** list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to develop further the common monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that these consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.

Amendment

(56) In order to supplement and amend certain non-essential elements of this Regulation, 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 in respect of ***work programmes for the thematic facility***, list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to develop further the common monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that these consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.

Or. en

Amendment 38

Proposal for a regulation Recital 58

Text proposed by the Commission

(58) Since the **objective** of this Regulation, namely to contribute to an effective management of migration flows **in the Union, in accordance with** the common policy on asylum **and international** protection and the common immigration policy, cannot be sufficiently achieved by the Member States acting alone 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.

Amendment

(58) Since the **objectives** of this Regulation, namely to contribute to an effective management of migration flows **and to the implementation, strengthening and development of** the common policy on asylum, **subsidiary** protection and **temporary protection and of** the common immigration policy, cannot be sufficiently achieved by the Member States acting alone 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.

Or. en

Amendment 39

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the Asylum **and** Migration Fund ('the Fund').

Amendment

1. This Regulation establishes the Asylum, Migration **and Integration** Fund ('the Fund').

Or. en

Justification

As the fund also has integration as one of its main objectives, this should be reflected in the title of the fund.

Amendment 40

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) 'blending operation' means actions supported by the Union budget, including within blending facilities as defined in point (6) of Article 2 of the Financial Regulation, combining non-repayable forms of support or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors; **deleted**

Or. en

Justification

Private sector investment is neither preferable nor needed in the area of EU asylum and migration policy.

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(j a) 'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member States.

Or. en

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. The policy objective of the Fund shall be to contribute to ***an efficient management of migration flows in line with the relevant Union acquis and in compliance with*** the Union's commitments on fundamental rights.

Amendment

1. The policy objective of the Fund shall be to contribute to ***the implementation, strengthening and development of the common policy on asylum, subsidiary protection and temporary protection and of the common immigration policy while fully respecting*** the Union's ***and the Member States'*** obligations under international law and the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

Or. en

Justification

It is not clear why the policy objective of this fund would differ from the general objective of the current Asylum, Migration and Integration Fund. The wording proposed reflects the wording in Articles 78 and 79 TFEU.

Amendment 43

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) ***to support*** legal migration to the Member States ***including to contribute to the integration of third-country nationals;***

Amendment

(b) ***to strengthen and develop*** legal migration to the Member States ***in accordance with their economic and social needs;***

Or. en

Amendment 44

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) to contribute ***to countering irregular migration and ensuring effectiveness of return and readmission in third countries.***

(c) to contribute to ***and promote the effective integration of third-country nationals;***

Or. en

Justification

The objective of supporting legal migration is clearly distinct from the objective of contributing to the integration of third country nationals already lawfully present on the territory of the Union. The specific objectives of the fund should reflect that clear distinction.

Amendment 45

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) to contribute to countering irregular migration and ensuring effective, safe and dignified return and readmission to third countries;

Or. en

Amendment 46

Proposal for a regulation

Article 3 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) to ensure solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration and asylum flows, including through practical cooperation.

Or. en

Justification

In the light of the developments of the last number of years, Union funding should - more than ever - seek to enhance solidarity and responsibility sharing between the Member States. This must remain a specific objective of the fund as it is in the current Asylum, Migration and Integration Fund.

Amendment 47

Proposal for a regulation Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Without prejudice to Article 6 of the Regulation EU ...[Common Provisions Regulation], partnerships shall include at least local and regional authorities or their representative associations, relevant international organisations, non-governmental organisations and social partners.

Or. en

Amendment 48

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Within the objectives referred to in Article 3, and in line with the implementation measures listed in Annex II, the Fund shall ***in particular*** support the actions listed in Annex III.

1. Within the objectives referred to in Article 3, and in line with the implementation measures listed in Annex II, the Fund shall support the actions listed in Annex III.

Or. en

Justification

For legal clarity and in the interests of transparency of funding, the list of actions which might be financed under the Fund should be exhaustive. There are presently around 40

actions eligible for support and listed in Annex III.

Amendment 49

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 9 shall not exceed 5% of the total amount allocated to the thematic facility under Article 8(2)(b).

Or. en

Amendment 50

Proposal for a regulation

Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 13 shall not exceed, for each Member State, 5% of the total amount allocated to that Member State in accordance with Article 8(2)(a), Article 11(1) and Annex I.

Or. en

Justification

As the Asylum, Migration and Integration Fund is the only funding instrument for asylum and migration within the European Union, it is imperative that the priority of the fund is actions within the territory of the Union. While it is foreseeable that actions in and in relation to third countries might be funded under this fund, that funding should be capped at 5% of the total amount of funding available.

Amendment 51

Proposal for a regulation

Article 4 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. Actions supported under this paragraph shall be fully coherent with measures supported through the external financing instruments of the Union and with the general principles and general objectives of the Union's external action.

Or. en

Justification

If the fund is to support actions in and in relation to third countries, then such actions should be fully in line with the EU's external actions and the relevant external funding instruments.

Amendment 52

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Gender equality and non-discrimination

The Commission and the Member States shall ensure that gender equality and the integration of the gender perspective are an integral part of, and are promoted during, the various stages of the implementation of the Fund. The Commission and the Member States shall take all appropriate steps to prevent any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation in access to the Fund and during the various stages of the implementation of the Fund.

Amendment 53

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

The Fund shall be open to third countries in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the Asylum and Migration Fund, provided that the agreement:

Amendment

The Fund shall be open to ***neighbouring*** third countries in accordance with the conditions laid down in a specific agreement, ***to be adopted in accordance with Article 218 of the Treaty on the Functioning of the European Union***, covering the participation of the third country to the Fund, provided that the agreement:

Or. en

Justification

Opening up participation in the Asylum, Migration and Integration Fund to third countries should be limited to neighbouring countries, such as Schengen Associated States. Their participation in the fund should be laid down in an international agreement subject to normal procedure for adopting such agreements under the Treaties

Amendment 54

Proposal for a regulation

Article 5 – paragraph 1 – indent 4 a (new)

Text proposed by the Commission

Amendment

- ***ensures that all actions by, in or in relation to the third country, comply with the Union acquis on asylum and immigration, the international obligations of the Union and the Member States and fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.***

Or. en

Justification

If a third country is to participate in the Fund, it must be ensured that any actions taken by, in or in relation to that third country comply with the EU's rules on asylum and immigration and with the Charter of Fundamental Rights.

Amendment 55

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In the drawing up of the specific agreement referred to in this Article, the Commission shall consult the European Union Agency for Fundamental Rights, in particular with regard to the fundamental rights aspects of the agreement.

Or. en

Amendment 56

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action. ***deleted***

Or. en

Justification

The provisions of Article 5 provide for the participation of third countries in the Fund. No further involvement of third country entities is appropriate.

Amendment 57

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states *or in third countries* are eligible.

Amendment

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states, are eligible.

Or. en

Amendment 58

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.

Amendment

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to ***and coordinated with*** other Union instruments ***and measures funded in particular under the ERDF and ESF+ Regulations.***

Or. en

Amendment 59

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

e) support to Member States ***contributing*** to solidarity ***and responsibility*** efforts; ***and***

Amendment

e) support to Member States ***at central, regional or local level and to international and non-governmental organisations which contribute*** to

solidarity efforts;

Or. en

Amendment 60

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities as outlined in Annex II.

Amendment

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities as outlined in Annex II **and for specific measures in Annex III.**

A minimum of 20% of the funding from the thematic facility shall be allocated to the specific objective referred to in point (a) of the first subparagraph of Article 3(2).

A minimum of 20% of the funding from the thematic facility shall be allocated to the specific objectives referred to in points (b) and (c) of the first subparagraph of Article 3(2).

A minimum of 10% shall be allocated to the specific objective referred to in point (e) of the first subparagraph of Article 3(2).

Or. en

Justification

Introducing a minimum level of expenditure among the different objectives of the Fund provides for a minimum degree of fair distribution of resources.

Amendment 61

Proposal for a regulation Article 9 – paragraph 5

Text proposed by the Commission

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. The Commission shall adopt **financing decisions** as referred to in Article [110] of the Financial Regulation for the thematic facility identifying objectives and actions to be supported and specifying the amounts for each of its components as referred to in paragraph 1. **Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.**

Amendment

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. The Commission shall adopt **delegated acts in accordance with Article 16 to lay down work programmes** as referred to in Article [110] of the Financial Regulation for the thematic facility identifying objectives and actions to be supported and specifying the amounts for each of its components as referred to in paragraph 1.

Or. en

Justification

This is a consequential amendment tabled to reflect language proposed elsewhere in the text.

Amendment 62

**Proposal for a regulation
Article 9 – paragraph 6**

Text proposed by the Commission

6. The thematic facility shall in particular, support actions falling under the implementation measure **2(b)** of Annex II that are implemented by the local and regional authorities or civil society organisations.

Amendment

6. The thematic facility shall in particular, support actions falling under the implementation measure **3** of Annex II that are implemented by the local and regional authorities or civil society organisations. **In that regard, a minimum of 2% of the financial envelope of the thematic facility shall be granted under direct or indirect management to local and regional authorities implementing integration actions.**

Or. en

Justification

In order to ensure that local and regional authorities are not wholly reliant on national programmes for integration actions that they carry out, a certain level of direct funding to them should be guaranteed under the thematic facility.

Amendment 63

Proposal for a regulation Article 9 – paragraph 8

Text proposed by the Commission

8. These **financing decisions** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment

8. These **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility.

Or. en

Amendment 64

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. The contribution from the Union budget shall not exceed **75** % of the total eligible expenditure of a project.

Amendment

1. The contribution from the Union budget shall not exceed **80** % of the total eligible expenditure of a project.

Or. en

Amendment 65

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of migration management **and** are fully in line with the relevant Union acquis and agreed Union

Amendment

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of **asylum and** migration management, are fully in line with the relevant Union acquis and agreed

priorities. In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed.

Union priorities, ***and fully respect the UN Convention on the Rights of the Child.***

In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed. ***In that regard, Member States shall allocate a minimum of 20% of their allocated funding to the specific objective referred to in point (a) of the first subparagraph of Article 3(2).***

Member States shall allocate a minimum of 20% of their allocated funding to the specific objectives referred to in points (b) and (c) of the first subparagraph of Article 3(2).

Member States shall allocate a minimum of 10% of their allocated funding to the specific objective referred to in point (e) of the first subparagraph of Article 3(2).

Or. en

Justification

Introducing a minimum level of expenditure among the different objectives of the Fund provides for a minimum degree of fair distribution of resources.

Amendment 66

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Union Agency for Asylum ***and*** the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency ***and*** the European Union Agency

Amendment

2. The Commission shall ensure that the European Union Agency for Asylum, the European Border and Coast Guard Agency ***and the European Union Agency for Fundamental Rights*** are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast

for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Guard Agency, the European Union Agency for Asylum **and the European Union Agency for Fundamental Rights** on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Or. en

Amendment 67

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission may associate the European Union Agency for Asylum **and** European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment

3. The Commission may associate the European Union Agency for Asylum, **the** European Border and Coast Guard Agency **and the European Union Agency for Fundamental Rights** in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Or. en

Amendment 68

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Further to a monitoring exercise as carried out in accordance with Regulation (EU) [../..] [EUAA Regulation] or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the

Amendment

4. Further to a monitoring exercise as carried out in accordance with Regulation (EU) [../..] [EUAA Regulation] or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the

Commission, and where relevant with the European Union Agency for Asylum **and** the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Commission, and where relevant with the European Union Agency for Asylum, the European Border and Coast Guard Agency **and the European Union Agency for Fundamental Rights**, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Or. en

Amendment 69

Proposal for a regulation

Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. National programmes may allow for the inclusion in the actions referred to in paragraph 3a new of Annex III of immediate relatives of persons covered by the target group referred to in that paragraph, to the extent that it is necessary for the effective implementation of such actions.

Or. en

Amendment 70

Proposal for a regulation

Article 13 – paragraph 8

Text proposed by the Commission

Amendment

8. Whenever a Member State decides to implement projects with or in a third country with the support of the Fund, the Member State concerned shall consult the Commission prior to the start of the project.

8. Without prejudice to the third subparagraph of Article 4(2), whenever a Member State decides to implement projects with or in a third country with the support of the Fund, the Member State concerned shall consult the Commission prior to the start of the project.

Amendment 71

Proposal for a regulation

Article 13 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. Each Member State shall, in addition to its allocation calculated in accordance with Article 16, receive every two years an additional amount based on a lump sum of EUR 6 000 for each person resettled or admitted under a national humanitarian admission programme in that Member State during that two-year period.

Or. en

Amendment 72

Proposal for a regulation

Article 13 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

9 b. Each Member State shall publish its programme on a dedicated website. The website shall specify the actions supported in the implementation of the programme and list the beneficiaries. It shall be updated regularly, at least at the same time as the publication of the Annual Performance Report in accordance with Article 30.

Or. en

Justification

Justification: Member States should make their national programme public for transparency reasons and to explain how EU Funds have been spent.

Amendment 73

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. If at least **10** % of the initial allocation of a programme referred to in Article 11(1)(a) has not been covered by payment applications submitted in accordance with Article [85] of Regulation (EU) .../2021 [Common Provisions Regulation], the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.

Amendment

2. If at least **30** % of the initial allocation of a programme referred to in Article 11(1)(a) has not been covered by payment applications submitted in accordance with Article [85] of Regulation (EU) .../2021 [Common Provisions Regulation], the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.

Or. en

Justification

While experience has shown that some time is needed for the implementation of funds, Member States still need to take responsibility for their role in the proper implementation of the fund and for the implementation of their respective national programmes. A minimum expenditure of 10% of the initial allocation seems too low to ensure this.

Amendment 74

Proposal for a regulation

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Each Member State shall, in addition to their allocation calculated in accordance with Article 11(1)(a), receive a contribution of EUR [10,000] for each unaccompanied minor who is granted international protection in that Member State.

Or. en

Justification

The Fund should support efforts by Member States who grant protection to unaccompanied

minors, where such protection requires more actions when a Member State becomes responsible for that child

Amendment 75

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The Member States using operating support shall comply with the Union acquis on asylum and **return**.

Amendment

3. The Member States using operating support shall comply with the Union acquis on asylum and ***immigration and fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.***

Or. en

Justification

This is a consequential amendment tabled to reflect language proposed elsewhere in the text.

Amendment 76

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for Asylum **and** the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out in accordance with

Amendment

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for Asylum, the European Border and Coast Guard Agency ***and the European Union Agency for Fundamental Rights*** in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the

Regulation (EU) ../.. [EUAA Regulation] and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

monitoring exercises, as carried out in accordance with Regulation (EU) ../.. [EUAA Regulation] and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

Or. en

Amendment 77

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.

Amendment

4. Grants implemented under direct **and indirect** management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.

Or. en

Amendment 78

Proposal for a regulation Article 20 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall ensure a fair and transparent distribution of resources among the objectives referred to in Article 3(2).

Or. en

Justification

While the overall minimum percentages will apply to all actions under the thematic facility, it is important to stress that for Union actions, the Commission is obliged to ensure fair and transparent distribution of funding.

Amendment 79

Proposal for a regulation Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Blending operations

Blending operations decided under this Fund shall be implemented in accordance with the [InvestEu regulation] and Title X of the Financial Regulation.

Or. en

Justification

It is not clear what added value blending operations would bring in the area of asylum and migration. In particular, it is not clear what actions would be subject to such operations and under what conditions. The Union's policy in the area of asylum and migration should not be reliant on private-sector financing.

Amendment 80

Proposal for a regulation Article 26 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 81

Proposal for a regulation Article 26 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments **or** conflicts, notably where it might have an impact on migration flows towards the EU.

(c) heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments, conflicts **or natural disasters**, notably where it might have an impact on migration flows towards the EU.

Or. en

Amendment 82

Proposal for a regulation

Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. 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.

Or. en

Justification

As per the existing Asylum, Migration and Integration Fund, all emergency assistance measures that take place in third countries should be consistent with the Union's humanitarian policy.

Amendment 83

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. Emergency assistance may take the form of grants awarded directly to the **decentralised agencies**.

2. Emergency assistance may take the form of grants awarded directly to the **European Union Agency for Asylum**.

Justification

The rapporteur acknowledges that the EUAA could benefit from a grant for emergency assistance under the Fund. However, given the proposed massive increase in the budget of the EBCGA, the Rapporteur does not believe that that Agency should get additional financial support under the Fund.

Amendment 84

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

1. In compliance with its reporting requirements pursuant to Article [43(3)(h)(i)(iii)] of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.

Amendment

1. In compliance with its reporting requirements pursuant to Article [43(3)(h)(i)(iii)] of the Financial Regulation, the Commission shall present to the European Parliament and the Council, ***at least annually***, information on performance in accordance with Annex V.

Or. en

Amendment 85

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. The indicators to report on progress of the Fund towards the achievement of the objectives of this Regulation are set in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

Amendment

3. The indicators to report on progress of the Fund towards the achievement of the objectives of this Regulation are set in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. ***Upon request, the output indicators shall be made available to the European Parliament and to the Council.***

Or. en

Amendment 86

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

1. ***The*** Commission shall carry out a mid-term ***and a retrospective evaluation of this Regulation, including the actions implemented under the Fund.***

Amendment

1. ***By 30 September 2024, the*** Commission shall carry out a mid-term ***review of progress towards the achievement of the objectives of this Regulation, with reference in particular to the output and result indicators set out in Annex VIII to this Regulation and the annual performance reports submitted by Member States under Article 30. By the same date, the Commission shall submit an evaluation report on the mid-term review undertaken to the European Parliament and to the Council.***

The evaluation report on the mid-term review shall in particular include an evaluation of the provisions of this Regulation regarding simplification and flexibility, its coherence with internal and external policies of the Union, the continued relevance of all implementing measures referred to in Annex II and the actions referred to in Annex III, as well as the contribution of the measures and actions to the objective of ensuring a common Union policy on asylum and immigration. It shall take into account retrospective evaluation results on the long-term impact of the predecessor fund, the [Asylum, Migration and Integration Fund 2014-2020].

The longer-term impacts and the sustainability of effects of the Fund shall be evaluated with a view to feeding into a decision on a possible renewal, modification or suspension of a subsequent fund.

Or. en

Justification

It is important to reinforce monitoring and evaluation of the implementation of the fund, both under direct and shared management, to enable proper scrutiny by the Parliament, particularly given the substantial increase of available funding under AMIF.

Amendment 87

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

2. *The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process.*

Amendment

2. *By 31 January 2028, the Commission shall carry out a retrospective evaluation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council.*

The mid-term and retrospective evaluation reports referred to in the first paragraph and the first subparagraph of this paragraph shall be made public and presented to the European Parliament, and accompanied, where deemed necessary by the Commission, by legislative proposals amending this Regulation or its successor.

Or. en

Justification

It is important to reinforce monitoring and evaluation of the implementation of the fund, both under direct and shared management, to enable proper scrutiny by the Parliament, particularly given the substantial increase of available funding under AMIF.

Amendment 88

Proposal for a regulation Article 30 – paragraph 3

Text proposed by the Commission

3. The Commission may make observations on the annual performance

Amendment

3. The Commission may make observations on the annual performance

report within two months of the date of its receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted.

report within two months of the date of its receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted. ***Once accepted, the Commission shall make the annual performance report available on a dedicated website.***

Or. en

Amendment 89

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 13, 18, 28 and 31 shall be conferred on the Commission until 31 December 2028.

Amendment

2. The power to adopt delegated acts referred to in Articles **9**, 13, 18, 28 and 31 shall be conferred on the Commission until 31 December 2028.

Or. en

Amendment 90

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in Articles 13, 18, 28 and 31 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.

Amendment

3. The delegation of powers referred to in Articles **9**, 13, 18, 28 and 31 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.

Or. en

Amendment 91

Proposal for a regulation Article 32 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 13, 18, 28 and 31 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

6. A delegated act adopted pursuant to Articles **9**, 13, 18, 28 and 31 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 92

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. *Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 30(4).*

Amendment

deleted

Or. en

Amendment 93

Proposal for a regulation Annex I – point 1 – point a

Text proposed by the Commission

(a) Each Member State shall receive a

Amendment

(a) Each Member State shall receive a

fixed amount of EUR **5 000 000** from the Fund at the start of the programming period only;

fixed amount of EUR **10 000 000** from the Fund at the start of the programming period only;

Or. en

Justification

Given the substantial increase in the overall level of funding available to the AMIF, the fixed amount provided to all Member States should be increased as well.

Amendment 94

Proposal for a regulation Annex I – point 4 – introductory part

Text proposed by the Commission

4. ***The following criteria*** in the area of countering irregular migration including returns will be taken into account ***and shall be weighted as follows***:

Amendment

4. In the area of countering irregular migration including returns, ***the following criterion*** will be taken into account:

Or. en

Amendment 95

Proposal for a regulation Annex I – point 4 – point a

Text proposed by the Commission

(a) ***50% in proportion to*** the number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and / or ***Community*** law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return;

Amendment

(a) the number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and / or ***Union*** law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return;

Or. en

Amendment 96

Proposal for a regulation Annex I – point 4 – point b

Text proposed by the Commission

Amendment

(b) 50% in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion. **deleted**

Or. en

Justification

Once a third country national has departed the a Member State under a return decision, whether voluntarily or under coercion, that person no longer needs to be returned. It makes no sense to decide on a Member State's allocation based on third country nationals no longer on its territory. This criterion should therefore be removed.

Amendment 97

Proposal for a regulation Annex II – point 1 – point a

Text proposed by the Commission

Amendment

(a) ensuring a uniform application of the Union acquis and of the priorities related to the Common European Asylum System;

(a) ensuring a uniform application of the Union acquis and of the priorities related to the Common European Asylum System, ***in particular the Dublin Regulation;***

Or. en

Amendment 98

Proposal for a regulation Annex II – point 1 – point b

Text proposed by the Commission

Amendment

(b) supporting the capacity of Member

(b) supporting the capacity of Member

States' asylum systems as regards ***infrastructures*** and services where necessary;

States' asylum systems as regards ***infrastructure, including adequate reception conditions for minors***, and services where necessary;

Or. en

Justification

It is important to ensure that Member States invest in adequate reception conditions suitable for minors when building up their reception conditions capacity.

Amendment 99

**Proposal for a regulation
Annex II – point 1 – point c**

Text proposed by the Commission

Amendment

(c) enhancing solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migratory flows, as well as providing support to Member States contributing to solidarity efforts;

deleted

Or. en

Justification

This measure has been moved to paragraph 5 of this Annex.

Amendment 100

**Proposal for a regulation
Annex II – point 1 – point d**

Text proposed by the Commission

Amendment

(d) enhancing solidarity and cooperation with third countries affected by *migratory flows*, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries *for the purpose of managing*

(d) enhancing solidarity and cooperation with third countries affected by *high numbers of asylum applications*, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries *in the context of global*

migration.

*cooperation efforts in the area of
international protection.*

Or. en

Justification

The EU's partnership and cooperation with third countries should reflect global efforts to cooperate better on issues of refugees and migration.

Amendment 101

**Proposal for a regulation
Annex II – point 1 – point d a (new)**

Text proposed by the Commission

Amendment

(da) implementing technical and operational assistance to one or several other Member States under the supervision of the European Union Agency for Asylum in accordance with [Article 5 of Regulation... (Asylum Procedure Regulation)].

Or. en

Amendment 102

**Proposal for a regulation
Annex II – point 2 – point a**

Text proposed by the Commission

Amendment

(a) supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration acquis;

(a) supporting the development and implementation of policies promoting legal migration, *including family reunification*, and the implementation of the Union legal migration acquis, *in particular the legal labour migration instruments in line with applicable international standards on migration and the protection of migrant workers*;

Or. en

Justification

Spelling out more clearly the elements of the EU's legal migration acquis.

Amendment 103

Proposal for a regulation

Annex II – point 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) promoting and developing structural and supporting measures facilitating regular entry to and residence in the Union.

Or. en

Justification

If we are serious about enhancing legal migration the Fund must help Member States develop measures to facilitate regular entry and residence of third country nationals to the Union.

Amendment 104

Proposal for a regulation

Annex II – point 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) enhancing partnership and cooperation with third countries affected by migratory flows including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of migration.

Or. en

Amendment 105

Proposal for a regulation

Annex II – point 2 – point b

Text proposed by the Commission

Amendment

(b) promoting early integration measures for the social and economic inclusion of third-country nationals, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities and civil society organisations.

deleted

Or. en

(See amendment relating to Annex II, point 2a, point a)

Amendment 106

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

Text proposed by the Commission

Amendment

(2a) The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:

(a) promoting integration measures for the social and economic inclusion of third country nationals, facilitating family reunification, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities, non-governmental organisations and social partners; and

(b) promoting and implementing protection measures for vulnerable persons in the context of integration measures.

Or. en

Justification

Family reunification contributes to successful integration and employment is an important

measure of integration and as such social partners can play an important role in its achievement.

Amendment 107

Proposal for a regulation

Annex II – point 3 – introductory part

Text proposed by the Commission

3. The Fund shall contribute to the specific objective set out in Article **3(2)(c)**, by focusing on the following implementation measures:

Amendment

3. The Fund shall contribute to the specific objective set out in Article **3(2)(d)**, by focusing on the following implementation measures:

Or. en

Amendment 108

Proposal for a regulation

Annex II – point 3 – point b

Text proposed by the Commission

(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective and sustainable return and reducing incentives for irregular migration;

Amendment

(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective, **dignified** and sustainable return and reducing incentives for irregular migration;

Or. en

Justification

Any returns carried out with the financial support of the Fund should be carried out in full respect of the human dignity of the returnee.

Amendment 109

Proposal for a regulation

Annex II – point 3 – point c

Text proposed by the Commission

Amendment

(c) supporting assisted voluntary return and reintegration;

(c) supporting assisted voluntary return, ***family tracing*** and reintegration, ***while respecting the best interests of minors***;

Or. en

Amendment 110

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

Text proposed by the Commission

Amendment

3 a. The Fund shall contribute to the specific objective set out in Article 3(2)(e) by focusing on the following implementation measures:

Or. en

Amendment 111

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

Text proposed by the Commission

Amendment

(a) promoting and implementing the respect of international law and the Charter of Fundamental Rights of the European Union in asylum and migration policies and measures;

Or. en

Amendment 112

Proposal for a regulation

Annex II – point 3 a (new) – point b (new)

Text proposed by the Commission

Amendment

(b) enhancing solidarity and responsibility-sharing between the Member States, in particular solidarity towards those most affected by migratory flows, as well as providing support to Member States at central, regional or local level, to international organisations, to non-governmental organisations and to social partners in their solidarity efforts;

Or. en

Justification

Point (b) was originally under paragraph 1 in the proposal. A slight adaptation of the wording has been made to reflect the other stakeholders involved in implementing solidarity.

Amendment 113

Proposal for a regulation

Annex II – point 3 a (new) – point c (new)

Text proposed by the Commission

Amendment

(c) supporting relocation of applicants for international protection or beneficiaries of international protection from one Member State to another.

Or. en

Amendment 114

Proposal for a regulation

Annex III – point 1 – point a

Text proposed by the Commission

Amendment

(a) the establishment and development of national strategies **in** asylum, legal migration, integration, return and irregular migration;

(a) the establishment and development of national, **regional and local** strategies **for the implementation of the Union acquis relating to** asylum, legal migration, integration, return and irregular migration;

Or. en

Justification

The Fund should support strategies on asylum and migration policy at all levels of governance.

Amendment 115

**Proposal for a regulation
Annex III – point 1 – point b**

Text proposed by the Commission

Amendment

(b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant stakeholders;

(b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant stakeholders **in cooperation with relevant Union agencies, where appropriate**;

Or. en

Justification

The Union Agencies should be able to assist in the setting up of structures and systems and also in the training of staff.

Amendment 116

**Proposal for a regulation
Annex III – point 1 – point e**

Text proposed by the Commission

Amendment

(e) assistance and support services consistent with the status and the needs of

(e) assistance and support services consistent with the status and the needs of

the person concerned, in particular *the*
vulnerable *groups*;

the person concerned, in particular
vulnerable *persons*;

Or. en

Justification

Vulnerable persons are defined in Article 2. Vulnerable groups are not defined.

Amendment 117

Proposal for a regulation
Annex III – point 2 – point b

Text proposed by the Commission

(b) conducting asylum procedures;

Amendment

(b) conducting asylum procedures,
including family tracing;

Or. en

Amendment 118

Proposal for a regulation
Annex III – point 2 – point c

Text proposed by the Commission

(c) identifying applicants with special
procedural or reception needs;

Amendment

(c) identifying applicants with special
procedural or reception needs, *including*
the identification of victims of trafficking,
minors and other vulnerable persons;

Or. en

Amendment 119

Proposal for a regulation
Annex III – point 2 – point d

Text proposed by the Commission

(d) establishing or improving reception
accommodation infrastructure, including

Amendment

(d) establishing or improving reception
accommodation infrastructure, *in*

the possible joint use of such facilities by more than one Member State;

particular addressing the needs of families with minors and unaccompanied minors, and including the possible joint use of such facilities by more than one Member State;

Or. en

Amendment 120

Proposal for a regulation Annex III – point 2 – point i

Text proposed by the Commission

(i) establishing, developing and improving effective alternatives to detention, in particular in relation to unaccompanied minors and families.

Amendment

(i) establishing, developing and improving effective alternatives to detention *and institutional care*, in particular in relation to unaccompanied minors and families.

Or. en

Amendment 121

Proposal for a regulation Annex III – point 2 – point i a (new)

Text proposed by the Commission

Amendment

(i a) ensuring the appointment of a guardian for unaccompanied minors and contributions to the European Network of Guardianship Institutions;

Or. en

Amendment 122

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

Text proposed by the Commission

Amendment

(i b) ensuring early identification of victims of violence and torture and other vulnerable persons and their referral to specialised services;

Or. en

Amendment 123

**Proposal for a regulation
Annex III – point 2 – point i c (new)**

Text proposed by the Commission

Amendment

(i c) providing qualified psycho-social and rehabilitation services to victims of violence and torture;

Or. en

Amendment 124

**Proposal for a regulation
Annex III – point 3 – point b**

Text proposed by the Commission

Amendment

(b) development of mobility schemes to the Union, such as circular or temporary migration schemes, including training to enhance employability;

(b) development of mobility schemes to the Union, such as circular or temporary migration schemes, including ***vocational and other*** training to enhance employability;

Or. en

Amendment 125

**Proposal for a regulation
Annex III – point 3 – point d**

Text proposed by the Commission

(d) the assessment of skills and qualifications acquired in a third country, as well as their transparency and compatibility with those of a Member State;

Amendment

(d) the assessment of skills and qualifications acquired in a third country, as well as their transparency and compatibility with those of a Member State ***and the development of common evaluation standards;***

Or. en

Amendment 126

**Proposal for a regulation
Annex III – point 3 – point e**

Text proposed by the Commission

(e) assistance in the context of applications for family reunification ***within the meaning*** of Council Directive 2003/86/EC⁵¹ ;

⁵¹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03/10/2003 p. 12 – 18.).

Amendment

(e) assistance in the context of applications for family reunification ***to ensure a harmonised implementation*** of Council Directive 2003/86/EC⁵¹ ;

⁵¹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03/10/2003 p. 12 – 18.).

Or. en

Amendment 127

**Proposal for a regulation
Annex III – point 3 – point f a (new)**

Text proposed by the Commission

Amendment

(f a) assistance in relation to the exercise of the rights of third country nationals legally staying in the Union, notably relating to mobility within the Union and to access to employment;

Amendment 128

Proposal for a regulation Annex III – point 3 – point g

Text proposed by the Commission

Amendment

(g) early integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on education, language and other training such as civic orientation courses and professional guidance; **deleted**

Or. en

(See amendment relating to Annex III, point 3a, point a)

Amendment 129

Proposal for a regulation Annex III – point 3 – point h

Text proposed by the Commission

Amendment

(h) actions promoting equality in the access and provision of public and private services to third-country nationals, including adapting them to the needs of the target group; **deleted**

Or. en

(See amendment relating to Annex III, point 3a, point b)

Amendment 130

Proposal for a regulation Annex III – point 3 – point i

Text proposed by the Commission

Amendment

(i) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops; **deleted**

Or. en

(See amendment relating to Annex III, point 3a, point c)

Amendment 131

Proposal for a regulation Annex III – point 3 – point j

Text proposed by the Commission

Amendment

(j) actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society; **deleted**

Or. en

(See amendment relating to Annex III, point 3a, point d)

Amendment 132

Proposal for a regulation Annex III – point 3 – point k

Text proposed by the Commission

Amendment

(k) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue. **deleted**

Or. en

(See amendment relating to Annex III, point 3a, point e)

Amendment 133

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

Text proposed by the Commission

Amendment

(3a) Within the specific objective referred to in Article 3(2)(c), the Fund shall in particular support the following:

(a) integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on education, language, counselling, vocational training and other training such as civic orientation courses and professional guidance;

(b) actions promoting equality relating to access to and provision of public and private services to third-country nationals, including adapting them to the needs of the target group;

(c) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops;

(d) actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society;

(e) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

Or. en

Amendment 134

Proposal for a regulation

Annex III – point 4 – introductory part

Text proposed by the Commission

4. Within the specific objective referred to in Article 3(2)(c), the Fund shall in particular support the following:

Amendment

4. Within the specific objective referred to in Article 3(2)(d), the Fund shall in particular support the following:

Or. en

Amendment 135

Proposal for a regulation

Annex III – point 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) identification and reception of victims of trafficking in accordance with Directive 2011/36/EU and Directive 2004/81;

Or. en

Amendment 136

Proposal for a regulation

Annex III – point 4 – point d

Text proposed by the Commission

Amendment

(d) ***countering incentives for irregular migration, including*** the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and

(d) ***addressing*** the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive

obligations pursuant to Directive
2009/52/EC⁵³ ;

2009/52/EC⁵³ ;

⁵³ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009., p. 24–32).

⁵³ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009., p. 24–32).

Or. en

Amendment 137

Proposal for a regulation Annex III – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) Within the specific objective referred to in Article 3(2)(e), the Fund shall in particular support the following:

(a) the implementation of relocation measures in respect of either applicants for international protection or beneficiaries of international protection, including those measures referred to in Article 17 of this Regulation;

(b) operational support in terms of seconded staff or financial assistance provided by a Member State to another Member States affected by high migratory flows;

(c) actions related to the conducting of procedures for the implementation of the Union Resettlement [and Humanitarian Admission] Framework or national resettlement schemes that are compatible with the Union Resettlement Framework;

Or. en

Justification

This type of support reflects measures and actions with a clear solidarity component.

Amendment 138

Proposal for a regulation Annex IV – indent 2

Text proposed by the Commission

- Actions to develop and implement effective alternatives to detention;

Amendment

- Actions to develop and implement effective alternatives to detention **and institutional care**;

Or. en

Justification

For a minor's development, institutional care is not necessarily the best option. Alternatives such as family placement should be supported.

Amendment 139

Proposal for a regulation Annex IV – indent 4

Text proposed by the Commission

- Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of children in migration, in particular **those** unaccompanied.

Amendment

- Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of children in migration, in particular unaccompanied **minors**.

Or. en

Amendment 140

Proposal for a regulation Annex V – part -1 (new)

Text proposed by the Commission

Amendment

-1. All the core performance indicators listed below shall be disaggregated by sex.

Or. en

Amendment 141

Proposal for a regulation Annex V – part 1 – point 1

Text proposed by the Commission

Amendment

1. Number of persons resettled with the support of the Fund.

1. Number of persons resettled with the support of the Fund, ***including the number of vulnerable persons.***

Or. en

Justification

Given the importance attached to vulnerable persons throughout the proposal, the core performance indicator on resettled persons should also be disaggregated to explicitly cover vulnerable persons.

Amendment 142

Proposal for a regulation Annex V – part 1 – point 3 a (new)

Text proposed by the Commission

Amendment

3 a. Number of applicants for international protection transferred from one Member State to another with support of the Fund;

Or. en

Amendment 143

Proposal for a regulation Annex V – part 1 a (new)

Text proposed by the Commission

Amendment

Specific objective 1a: To support legal migration to the Member States:

- 1. Number of Blue Cards issued with the support of the Fund.***
- 2. Number of intra-corporate transferees granted that status with the support of the Fund.***
- 3. Number of applicants for family reunification effectively reunited with their family with the support of the Fund.***
- 4. Number of third-country nationals granted long-term residence permits with the support of the Fund.***

Or. en

Justification

The addition of new objectives under Annex V reflects the objectives set out in Article 3(2). New indicators have been added to ensure that a comprehensive picture of the performance of the Fund is available to the co-legislators.

Amendment 144

Proposal for a regulation Annex V – part 2 – title

Text proposed by the Commission

Amendment

Specific objective 2: ***to support legal migration to the Member States including*** to contribute to the integration of third-country nationals:

Specific objective 2: to contribute to the integration of third-country nationals:

Or. en

Amendment

Proposal for a regulation Annex V – part 2 – point 2

Text proposed by the Commission

2. Number of persons who participated in integration measures supported by the Fund ***reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund.***

Amendment

2. Number of persons who participated in integration measures supported by the Fund.

Or. en

Amendment

Proposal for a regulation Annex V – part 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Number of persons who participated in integration measures supported by the Fund who have subsequently obtained a job;

Or. en

Amendment

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

Text proposed by the Commission

Amendment

2b. Number of persons who participated in integration measures supported by the Fund and who have subsequently obtained a diploma in the

Amendment 148

Proposal for a regulation Annex V – part 3 – point 1

Text proposed by the Commission

1. Number of returns following an order to leave compared to the number of third-country nationals ordered to leave.

Amendment

1. Number of returns ***supported by the Fund*** following an order to leave compared to the number of third-country nationals ordered to leave.

Amendment 149

Proposal for a regulation Annex V – part 3 a (new)

Text proposed by the Commission

Amendment

Specific objective 3a: To ensure solidarity and fair sharing of responsibility

1. Number of relocations carried out under Article 17 of the Fund.

2. Number of staff seconded or financial support provided to Member States subject to high asylum and migratory flows.

3. Number of persons resettled with the support of the Fund, including the number of vulnerable persons.

4. Number of relocations carried out with the support of the Fund but not falling under Article 17.

Amendment 150

Proposal for a regulation Annex VIII – part 1 – point 6

Text proposed by the Commission

6. Number of persons resettled with the support of the Fund.

Amendment

6. Number of persons resettled with the support of the Fund ***including the number of vulnerable persons.***

Or. en

Justification

This addition has been made to reflect the change in Annex V.

Amendment 151

Proposal for a regulation Annex VIII – part 1 a (new)

Text proposed by the Commission

Amendment

Specific objective 1 a: To support legal migration to the Member States:

- 1. Number of Blue Cards issued with the support of the Fund.***
- 2. Number of intra-corporate transferees granted that status with the support of the Fund.***
- 3. Number of applicants for family reunification effectively reunited with their family with the support of the Fund.***
- 4. Number of third-country nationals granted long-term residence permits with the support of the Fund.***

Or. en

Justification

The output and result indicators have been amended to reflect the amended objectives of Article 3(2) and to ensure consistency between the core performance indicators in Annex V

and the output and result indicators.

Amendment 152

Proposal for a regulation Annex VIII – part 2 – title

Text proposed by the Commission

Specific objective 2: To ***support legal migration to the Member States including*** to contribute to the integration of third-country nationals:

Amendment

Specific objective 2: To contribute to the integration of third-country nationals:

Or. en

Amendment 153

Proposal for a regulation Annex VIII – part 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Number of persons who participated in integration measures supported by the Fund who have subsequently obtained a job.

Or. en

Amendment 154

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

Text proposed by the Commission

Amendment

2b. Number of persons who participated in integration measures supported by the Fund and who have subsequently obtained a diploma in the

Member State.

Or. en

Amendment 155

Proposal for a regulation Annex VIII – part 2 – point 4 a (new)

Text proposed by the Commission

Amendment

4a. Number of third-country nationals having completed successfully either primary, secondary or tertiary education in the Member State with the support of the Fund.

Or. en

Amendment 156

Proposal for a regulation Annex VIII – part 3 a (new)

Text proposed by the Commission

Amendment

Specific objective 3a: To ensure solidarity and fair sharing of responsibility

1. Number of relocations carried out under Article 17 of the fund.

2. Number of staff seconded or financial support provided to Member States subject to high asylum and migratory flows.

3. Number of persons resettled with the support of the Fund, including the number of vulnerable persons.

4. Number of relocations carried out with the support of the Fund but not falling under Article 17.

EXPLANATORY STATEMENT

At a time when asylum and migration are so high on the political agenda, it is imperative to restate the EU's commitment to its asylum and immigration *acquis*. This is one main reason as to why the Rapporteur welcomes the proposal for an Asylum and Migration Fund which will act as the successor fund to the current Asylum, Migration and Integration Fund and which will continue to provide financial support for the implementation of the asylum and migration *acquis*.

The high levels of migration towards the EU in 2015 exposed serious flaws in the European Union's asylum system. To this day, frontline Member States continue to struggle as the principles of solidarity and fair sharing of responsibility are not given practical meaning by the European Union as a whole.

The Rapporteur believes that the European Union, as a whole, should try to utilise this Fund to help address the different challenges facing it on different fronts: from reforming the Common European Asylum system, to making the return policy more sustainable and more effective, to creating legal channels of migration and promoting the integration of refugees, into our societies.

The Rapporteur welcomes the fact that, for the upcoming multi-annual financial period, the European Commission is proposing a budget €10.4 billion to address asylum, migration and integration challenges in Europe. As a point of departure, the Rapporteur believes that, it is only right that each of these policy areas should be reflected in the title of the Fund.

The Rapporteur believes that a Fund dedicated to asylum, migration and integration policies within the European Union should focus on doing exactly that. The necessary support should be given to the Member States in their actions and measures to ease migratory pressures as well as to carry out their legal obligations. In this regard, the Rapporteur believes that introducing minimum percentages should help ensure that all Member State fulfil their obligations towards each of the different objectives of the Fund.

Under the proposed Asylum, Migration and Integration Fund, the Member States should fulfil their obligations to strengthen and develop all aspects of the Common European Asylum System, develop legal migration channels, promote the integration of third-country nationals, ensure effective and sustainable returns and give meaning to the notion of solidarity and fair-sharing of responsibility.

Resettlement and relocation schemes are two mechanisms that can effectively show true solidarity towards both frontline Member States and those persons in need of protection. These mechanisms will function best if all Member States take part and only if they adhere to commitments they have pledged to.

Moreover, the Rapporteur believes that there are not enough safe pathways to Europe that offer a feasible alternative to risky irregular journeys for people in need of protection. In this regard, the Rapporteur encourages Member States to consider the opportunities that exist, especially those that could provide an answer to the mutual challenges posed by economic

and social needs.

Persons arriving in Europe need adequate reception and assistance and access to fair and efficient asylum procedures, particularly those with specific needs, including unaccompanied and separated children and survivors of sexual and gender based violence. In this regard, the Rapporteur also believes that more solidarity is needed within the EU to ensure protection, including through efficient and speedy family reunion and relocation.

For the proper integration of migrants and refugees, actions and measures under both the work programmes and thematic facility should include the active participation of local and regional authorities, who often are the ones coming into everyday contact with the realities on the ground. The Rapporteur believes that localities and regions should be well equipped to ensure inclusivity and dignity for all, including through education, language training, civic orientation courses and other actions promoting equality and social inclusion amongst others.

The Rapporteur acknowledges that a comprehensive plan of action supporting long-term solutions requires close cooperation with third countries. In view of the proposals made on cooperation with third countries, it is important to reiterate that this fund is the sole instrument for asylum and migration within the Union and that actions in or in relation to third countries must not be funded primarily from this Fund. In addition, the Rapporteur thinks it prudent to underline that all actions – whether carried out within the Union or in third countries – must respect the Union *acquis* on asylum and immigration, international obligations as well the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

The Fund needs to be flexible enough in order to respond to the different needs of Member States, which vary widely across the European Union. However, the Rapporteur believes that such flexibility, allowing for a swift allocation and reallocation of funding, should be coupled with measures that ensure a fair distribution of resources among the objectives and a high degree of transparency regarding Union expenditure.

As a final point, the Rapporteur insists that in its role as co-legislator, and in carrying out its duty to hold the Commission to account, the European Parliament must be given access to adequate information about the use of the Fund, notably regarding output indicators where necessary, the mid-term and retrospective evaluations, and the annual performance reports.