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THE EUROPEAN UNION**

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to: JHA Counsellors

No. prev. doc.: 7593/10 ASILE 23 CODEC 214 CADREFIN 20

No. Cion prop.: 12985/09 ASILE 60 CODEC 1062CADREFIN 45

Subject: Proposal for a Decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC

At its meeting on 22 March 2010, the JHA Counsellors examined a Presidency compromise text for the above proposal. The results of the discussions are set out in the Annex to this outcome of proceedings. Changes to doc. 7593/10 are marked with bold and [...].

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC¹

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 294 of the Treaty⁴,

Whereas:

- (1) In the light of the establishment of a Joint EU Resettlement Programme aiming at increasing the impact of the EU resettlement efforts in providing protection to refugees and maximising the strategic impact of resettlement through a better targeting of those persons who are in greatest need of resettlement, common priorities with respect to resettlement should be formulated at EU level on a regular basis.

¹ **UK:** parliamentary scrutiny reservation
SE: general scrutiny reservation.

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

- (2) **For this purpose**, the Commission should be empowered to adopt annually, according to the procedure referred to in Article 52(2) of this Decision, the specific common EU priorities for resettlement on the basis of the general categories referred to in the present Decision and after having consulted the Member States.
- (3) Given their particular vulnerability, some categories of refugees should always be included in the common annual EU priorities.
- (4) Taking into account the resettlement needs set up by the Commission Decision on common annual EU priorities for resettlement, it is also necessary to provide additional financial support for the resettlement of persons with respect to specific geographic regions and nationalities as well as to the specific categories of refugees to be resettled, where resettlement is determined to be the most appropriate response to their special needs.
- (5) In order to encourage more Member States to engage in resettlement activities, it is equally necessary to provide further additional financial support to those Member States that decide to resettle persons for the first time.
- (6) In this context, it is appropriate to adapt the timetable as regards the deadline for the submission of data necessary for the calculation of annual allocations between the Member States, the deadline for the submission of annual programmes by Member States and the deadline for adoption of financing decisions by the Commission.
- (7) It is also necessary to fix the rules for the eligibility of expenditure for the additional financial support for resettlement,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 573/2007/EC of the European Parliament and of the Council is amended as follows:

1. Article 13(3) becomes Article 13(4) and reads as follows:

"Member States shall receive a fixed amount according to Article 13(4a) for each person resettled according to the common annual EU priorities to be established in accordance with Article 13(6), on the basis of the following general categories:

- persons from a country or region designated for the implementation of a Regional Protection Programme;
- persons from a country or region which has been identified in the UNHCR annual resettlement forecast⁵ and where EU common action would have a significant impact in addressing the protection needs;
- persons belonging to a specific category falling within the UNHCR resettlement criteria;

[...] **Each of the following vulnerable groups of refugees** shall in any event be **included in the** common annual EU priorities:⁶

- [...] women **and children** at risk,
- **unaccompanied minors,**
- persons having serious medical needs that can be addressed only through resettlement,

⁵ **BE** suggested referring to UNHCR projected global resettlement needs instead. According to the Cion, the information provided in the UNHCR annual resettlement forecast is more specific.

⁶ **RO**: scrutiny reservation

- persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs."

1. bis A new Article 13 (4a) is inserted and reads as follows:

Member States shall receive a fixed amount of EUR 4000 for each person resettled according to the common annual EU priorities.

In the cases indicated below the fixed amount shall be increased as follows⁷:

- EUR 6000 per resettled person for those Member States which shall receive the fixed amount **for resettlement** from the Fund for the first time;
- EUR 5000 per resettled person for those Member States which have already received from the Fund the fixed amount **for resettlement** once in the course of the previous years⁸;

2. Article 13(4) becomes Article 13(5) and reads as follows:

"Where a Member State resettles a person according to more than one of the common annual EU priorities for resettlement established in accordance with Article 13(6), it shall receive the fixed amount for this person only once."

3. Article 13(5) becomes Article 13(3).

4. Article 13(6) is replaced by the following:

"The Commission shall [...] establish the common annual EU priorities for resettlement based on the general categories defined in Article 13(4) and after having consulted the Member States, in accordance with the procedure referred to in Article 52(2)."

⁷ AT objects to the differentiated approach to the fixed amounts for resettlement to be allocated to Member States.

⁸ CZ: scrutiny reservation on "the previous years".

5. In Article 13 a new paragraph (7) is inserted and reads as follows:

"Within twenty-five calendar days following the notification of Commission Decision establishing the common EU annual priorities for resettlement in accordance with Article 13(6), Member States shall provide the Commission with an estimate of the number of persons whom they will resettle according to these common EU annual priorities in the course of the following calendar year. The Commission shall communicate this information to the Committee referred to in Article 52."

6. In Article 13 a new paragraph (8) is inserted and reads as follows:

"The results and impact of the financial incentive for resettlement activities according to the common EU annual priorities shall be reported by the Member States in the report referred to in Article 50(2) and by the Commission in the report referred to in Article 50(3).

7. Article 20(2) is replaced by the following:

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

8. Article 20(3) is replaced by the following:

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

- a) the general rules for selection of projects to be financed under the annual programme;
- b) a description of the actions to be supported under the annual programme;

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

9. Article 20(5) third subparagraph is replaced by the following:

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

10. In Article 35, a new paragraph (5) is inserted and reads as follows:

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

Article 2

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

Article 3

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels,

For the European Parliament

The President The President

For the Council