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From:	Presidency
To:	Permanent Representatives Committee
No. Cion doc.:	11313/16
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (First reading)

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1. On 13 July 2016, in the framework of the reform of the Common European Asylum System (CEAS), the Commission submitted a proposal for a Regulation establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014<sup>1</sup>. The proposal aims to enhance the legal and safe arrival of persons in need of international protection to Europe and to provide for a collective and harmonised approach for resettlement, with a unified procedure, reducing divergences among the national practices.
2. On 15 November 2017, the Permanent Representatives Committee agreed upon a mandate for negotiations with the European Parliament<sup>2</sup>, with the exception of some parts of the text that are linked with other proposals of the CEAS on which negotiations are still ongoing. On 14 February 2018 the mandate was extended in order to include the provisions related to the Eurodac Regulation and the amendments to the AMIF Regulation, which were excluded from the previous mandate.

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<sup>1</sup> 11313/16

<sup>2</sup> 14506/17

3. Five trilogues have taken place under the Bulgarian Presidency so far (17 January, 27 February, 28 March, 3 May and 31 May 2018), which have allowed to make substantial progress regarding several elements of the proposal.
4. As a result of the intensive consultations between the Presidency and the European Parliament at the trilogue of 28 March, the European Parliament proposed a package of compromise proposals to reach an overall agreement on the core elements of the Regulation. The main elements of the package are, among others, the following:
  - The European Parliament is ready to accept the Council position on Article 7 (Union Resettlement and Humanitarian Admission Plan), which has been a strong red line for almost all Member States. This would allow for the establishment of a voluntary resettlement framework instead of the mandatory framework proposed by the European Parliament. The European Parliament is also ready to renounce its position of having an obligatory target number of persons to be resettled in the Union, amounting to 20 % of the UNHCR Global Resettlement Needs for each two-year Resettlement Plan. The European Parliament is also ready to agree on a Council implementing act, and to renounce its proposal for Commission delegated acts set to establish the 2-year resettlement plan. In addition, The European Parliament would also agree on the deletion of the resettlement schemes that were part both of the original Commission proposal and the European Parliament's position. These major concessions on the part of the European Parliament will allow keeping the consensual language on the voluntary character of the resettlement framework that was found in the Council in order to agree on the mandate for negotiations between the legislators.

- Moreover, the European Parliament is also ready to accept the inclusion of humanitarian admission in the resettlement framework as another form of admission, which was also a strong red line for a significant number of Member States and which was part, neither of the Commission proposal, nor of the European Parliament’s position. Thus the European Parliament would accept all the changes introduced by the Council in this regard starting from the title of the Regulation and throughout the whole text. In return the European Parliament has requested to introduce a provision stating that resettlement will be the primary type of admission by setting a concrete ratio between the types of admission as follows: 70 % for resettlement, 20 % for humanitarian admission and 10 % reserved for emergency admission. During the following negotiations, the Presidency managed to convince the European Parliament to accept to set only an approximate goal of 60 % for admission through resettlement without introducing any strict obligations for concrete numbers and without a reserved percentage for emergency admission.
  
- As a compromise for accepting unaltered the Council position on the voluntary character of the Regulation and the inclusion of the humanitarian admission, the European Parliament offers the Council to accept the European Parliament’s position on Article 4 (Determination of regions or third countries from which resettlement is to occur), which together with the relative recitals includes clear language that resettlement is not a migration control tool and cannot be used as a means to achieve the Union’s foreign policy objectives. Member States on the other hand, view resettlement not only as an important tool for offering protection to persons in need of international protection, but also as a strategic instrument to manage migration by helping to reduce the incentives for irregular migration.

5. Together with other elements of a possible package on the Regulation, Articles 3 and 4 have been discussed thoroughly at the trilogues on 28 March, 3 May and 31 May. The Presidency has put a lot of efforts in trying to convince the European Parliament on keeping core elements of the Council position, emphasising that the resettlement framework is part of a well-managed migration policy.
6. During the last trilogue, the European Parliament stressed again that its position on Articles 3 and 4 constitute a red line, especially in light of all the major concessions that it is ready to accept. Nevertheless, the European Parliament demonstrated readiness to show certain flexibility and to accept some wording referring to the dialogue with third countries and discouraging the irregular movements, in a more general way.
7. With a view to reaching an overall 'package' agreement the Presidency suggests to continue working on the text of Articles 3 and 4 and the respective recitals by showing more openness to the exact wording, whilst ensuring that as a minimum the importance of the cooperation with third countries and the use of resettlement for preventing irregular movements will remain as part of the Regulation.
8. Against this background, delegations are invited to express their opinions on the proposed way forward.

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