

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0267/2004

7 April 2004

*

REPORT

on the Commission proposal for a Council decision establishing the European
Refugee Fund for the period 2005-2010
(COM(2004) 102 – C5-0096/2004 – 2004/0032(CNS))

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

Rapporteur: Gérard M.J. Deprez

Symbols for procedures

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

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
PROCEDURAL PAGE.....	4
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	17
OPINION OF THE COMMITTEE ON BUDGETS.....	21

PROCEDURAL PAGE

By letter of 23 February 2004 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the Commission proposal for a Council decision establishing the European Refugee Fund for the period 2005-2010 (COM(2004) 102 – 2004/0032(CNS)).

At the sitting of 25 February 2004 the President of Parliament announced that he had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible, and to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, the Committee on Budgets, Committee on Development and Cooperation and the Committee on Employment and Social Affairs for their opinions (C5-0096/2004).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Gérard M.J. Deprez rapporteur at its meeting of 19 February 2004.

The committee considered the Commission proposal and draft report at its meetings of 18 March and 6 April 2004.

At the last meeting it adopted the draft legislative resolution by 33 votes to 3, with 2 abstentions.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman), Johanna L.A. Boogerd-Quaak (vice-chairman), Gérard M.J. Deprez (rapporteur), Mary Elizabeth Banotti, Regina Bastos (for Carlos Coelho pursuant to Rule 153(2)), Maria Berger (for Adeline Hazan), Marco Cappato (for Mario Borghezio), Michael Cashman, Carmen Cerdeira Morterero, Ozan Ceyhun, Antonio Di Pietro (for Baroness Ludford), Rosa M. Díez González (for Sérgio Sousa Pinto), Olivier Duhamel (for Robert J.E. Evans), Marie-Thérèse Hermange (for Charlotte Cederschiöld), Sylvia-Yvonne Kaufmann (for Giuseppe Di Lello Finuoli), Margot Keßler, Heinz Kindermann (for Martin Schulz pursuant to Rule 153(2)), Timothy Kirkhope, Eva Klant, Ole Krarup, Jean Lambert (for Alima Boumediene-Thiery), Lucio Manisco (for Fodé Sylla), Manuel Medina Ortega (for Walter Veltroni), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Hubert Pirker, Martine Roure, Heide Rühle, Ilka Schröder, Ole Sørensen (for Francesco Rutelli), Patsy Sørensen, The Earl of Stockton (for Thierry Cornillet), Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco, Ian Twinn and Christian Ulrik von Boetticher.

The opinion of the Committee on Budgets is attached. The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy decided on 18 March 2004 not to deliver an opinion. The Committee on Development and Cooperation decided on 18 March 2004 not to deliver an opinion. The Committee on Employment and Social Affairs decided on 10 March 2004 not to deliver an opinion.

The report was tabled on 7 April 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Commission proposal for a Council decision establishing the European Refugee Fund for the period 2005-2010
(COM(2004) 102 – C5-0096/2004 – 2004/0032(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2004) 102)¹,
 - having regard to Article 63(2)(b) of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0096/2004),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Budgets (A5-0267/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Considers that the financial statement of the Commission proposal for the period 2005-2006 is compatible with the ceiling of heading 3 of the current Financial Perspective without restricting other policies; asks the Commission to reassess the appropriations for the period 2007-2010 in the light of the new Financial Perspective for the period commencing in 2007;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

Amendment 1
Recital 3

(3) It is necessary to continue this process and establish a European Refugee Fund for the period 2005-2010 to ensure solidarity between the Member States in the light of new Community asylum legislation and taking account of the experience acquired when implementing the first phase of the Fund for the period 2000-2004.

(3) It is necessary to continue this process and establish a European Refugee Fund for the period 2005-2010 to ensure solidarity between the Member States in the light of new Community asylum legislation and taking account of the experience acquired when implementing the first phase of the Fund for the period 2000-2004, **and the recent and ongoing discussions at EU and international level on the reform and possible strengthening of international protection regimes.**

Justification

Since the creation of the European Refugee Fund, numerous discussions have taken place and new avenues have been explored at both EU and international level (in particular the UNHCR Agenda for Protection and Convention Plus plan) with a view to reforming and/or strengthening international protection regimes. All these discussions have undoubtedly influenced and will influence the second phase of the ERF.

Amendment 2
Recital 3a (new)

The second phase of the Fund goes beyond the current Financial Perspective; a re-assessment of the Fund's financial endowment in view of its compatibility with the new financial framework is therefore required;

Justification

This is in line with the provisions foreseen in the Commission proposal itself. See also amendment 6.

Amendment 3
Recital 4

(4) It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons and to apply fair and effective asylum procedures so as to protect the rights of persons requiring international protection and enable asylum systems to work smoothly.

(4) It is necessary to support **and improve** the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons **so as to take account of the special needs of the most vulnerable groups (such as unaccompanied minors, victims of torture or rape, victims of trafficking or other forms of sexual abuse, individuals in need of special medical treatment)**, and to apply fair and effective asylum procedures **and promote good practice** so as to protect the rights of persons requiring international protection and enable asylum systems to work smoothly.

Justification

It is important to support and improve the Member States' efforts to take account of the special needs of the most vulnerable groups as regards reception facilities and access to asylum procedures.

Amendment 4
Recital 8

(8) Practical support is needed to create or improve conditions enabling refugees and displaced persons **to take an informed decision** to leave the territory of the Member States and return home, should they so wish.

(8) Practical support is needed to create or improve conditions enabling refugees and displaced persons **who wish** to leave the territory of the Member States and return home, **to do so in full knowledge of the considerations involved and in safety and dignity**.

Justification

The aim of voluntary return is resettlement in the country of origin in good conditions that ensure safety and dignity.

Amendment 5
Recital 13

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

Whilst it is appropriate to increase the fixed amount awarded to each Member State in order to contribute to improving their asylum system, it remains fair to allocate ***a large part of the*** resources proportionately to the burden on each Member State by reason of its efforts in receiving refugees and displaced persons.

Justification

The new text takes better account of the Commission proposal, in particular its Article 6.

Amendment 6
Recital 15

(15) The Member States should provide sufficient guarantees as regards arrangements for implementation and quality of execution, as regards the results of action implementation and assessment and as regards proper financial management and supervision.

(15) The Member States should provide sufficient guarantees as regards arrangements for implementation and quality of execution, as regards the results of action implementation and ***its transparency and as regards*** assessment and proper financial management and supervision.

Justification

It goes without saying that Member States must ensure the transparency of measures taken with the support of the European Refugee Fund.

Amendment 7
Recital 19

(19) The effectiveness and impact of actions supported by the European Refugee Fund also depend on their evaluation. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation, should be formalised.

(19) The effectiveness and impact of actions supported by the European Refugee Fund also depend on their evaluation ***and the dissemination of the results***. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of ~~evaluation and the quality of the related~~

evaluation *and the quality of the related information (ex-ante and ex-post)*, should be formalised.

Justification

Information on the results of measures supported by the European Refugee Fund should be passed on to the general public. It is important that citizens of Member State should be aware of the support that the EU gives to refugee policies and projects for refugees, asylum seekers and people in need and/or requiring temporary or subsidiary protection.

Amendment 8 Article 2, paragraph 2

2. In the context of the budgetary procedure for **2008**, the Commission shall indicate, by 1 May **2007** at the latest, whether the **amount** for **2008-2010 is sufficient** for the new financial perspectives. If necessary, the Commission **shall take steps in the course of the 2008-2010 budgetary procedures to ensure that the annual appropriations are consistent with the financial perspectives.**

2. In the context of the budgetary procedure for **2007**, the Commission shall indicate, by 1 May **2006** at the latest, whether the **indicative amounts** for **2007-2010 are compatible with** the new financial perspectives. If necessary, **and taking account of the real needs established at that time**, the Commission **shall submit to the budgetary authority a proposal to revise the appropriations to be made available to the Fund.**

Justification

It is up to the Commission to submit a clear estimate of the appropriations to be released, on an annual basis, for the duration of the life of the Fund; this estimate is provided as a reference amount only. If a new financial perspective is adopted or changes in real needs are established on the ground, during 2007 the Commission should be able to present a proposal to revise the appropriations deemed necessary.

Amendment 9 Article 3, point (4) and point (5)

(4) any third-country nationals or stateless persons **who have applied for one of the forms of protection described in points 1 and 3;**

(5) any third-country nationals or stateless persons **enjoying temporary protection within the meaning of Directive 2001/55/EC.**

(4) any third-country nationals or stateless persons **enjoying temporary protection within the meaning of Directive 2001/55/EC;**

(5) any third-country nationals or stateless persons **who have applied for one of the forms of protection described in points 1 and 3.**

Justification

It is more logical to group together those actually enjoying recognised rights (points 1 to 4), before the point dealing with applicants (point 5).

Amendment 10

Article 4, paragraph 1, point (b)

(b) integration of persons referred to in Article 3 ***whose stay in the Member State is of a lasting and/or stable nature;***

(b) integration of persons referred to in Article 3;

Justification

The target group for integration measures should not be more restrictive than the one mentioned under Article 3.

Amendment 11

Article 4, paragraph 1, point (c)

(c) voluntary return of persons referred to in Article 3, provided they have not acquired a new nationality and have not left the territory of the Member State.

(c) voluntary return of persons referred to in Article 3, provided they have not acquired a new nationality and have not left the territory of the Member State. ***The Fund will not support measures for the return of people whose asylum claims have been dismissed.***

Justification

As the Commission is going to finance a separate measure for the return of illegal residents, the Fund should concentrate solely on the voluntary return of refugees and people enjoying temporary protection.

Amendment 12

Article 4, paragraph 3

3. Actions shall take account of gender-related issues and of the specific needs of the most vulnerable, ***including persons who have been tortured or subjected to inhuman and degrading treatment and shall give priority to the best interests of children.*** The actions provided for in paragraph 1(a), (b) and (c) may be carried out on a joint basis.

3. Actions shall take account of gender-related issues, ***the best interests of children*** and of the specific needs of the most vulnerable (***such as unaccompanied minors, victims of torture or rape, victims of trafficking or other forms of sexual abuse, individuals in need of special medical treatment***). The actions provided for in paragraph 1(a), (b) and (c) may be carried out on a joint basis.

carried out on a joint basis.

Justification

This definition is clearer.

Amendment 13
Article 5, indent 3

- social assistance, information or help with administrative formalities;

- social assistance, information or help with administrative **and/or judicial** formalities;

Justification

Help with administrative and judicial formalities and taking account of the special needs of the most vulnerable were covered by the Council decision establishing ERF I. There is no reason to delete them from the new instrument.

Amendment 14
Article 5, indent 5

- **education, language training, help with finding work;**

- **meeting the special needs of the most vulnerable, particularly children's schooling.**

Justification

Help with administrative and judicial formalities and taking account of the special needs of the most vulnerable were covered by the Council decision establishing ERF I. There is no reason to delete them from the new instrument.

Amendment 15
Article 6, indent 4

- education, **vocational training**, recognition of qualifications and diplomas;

- education and **training, help with finding work**, recognition of qualifications and diplomas;

Justification

Successful integration depends on being able to speak the everyday language of the place of residence and, in the case of adults, on finding work. It is therefore necessary to strengthen measures to achieve this twofold objective in the arrangements proposed.

Amendment 16
Article 6, indent 5

- actions designed to enable these persons to provide for themselves;

- **employment support and, more generally**, actions designed to enable these persons to provide for themselves;

Justification

Successful integration depends on being able to speak the everyday language of the place of residence and, in the case of adults, on finding work. It is therefore necessary to strengthen measures to achieve this twofold objective in the arrangements proposed.

Amendment 17
Article 6, indent 5 a (new)

- **measures designed to enable these persons to learn the language of communication where they live.**

Justification

Successful integration depends on being able to speak the everyday language of the place of residence and, in the case of adults, on finding work. It is therefore necessary to strengthen measures to achieve this twofold objective in the arrangements proposed.

Amendment 18
Article 8, paragraph 2 a (new)

2a. Projects that involve the persons referred to in Article 3 directly in developing and implementing actions shall be deemed particularly innovative.

Justification

The direct involvement of the persons covered by the Fund in the relevant measures will make it possible to reach a greater number of the target population. Consequently, these measures should be deemed to be innovative actions so that they are eligible for 60% Community participation.

Amendment 19
Article 8, paragraph 2 b (new)

2b. Community actions may finance short innovative projects.

Justification

The fact of having multiannual projects must not prevent new projects/organisations from having access to the Fund. However, some Member States have a tendency to keep funding the same projects year after year. The existence of short innovative projects will make it possible to open up the Fund to new projects.

Amendment 20 Article 9, paragraph 1

1. In the event of temporary protection mechanisms within the meaning of Council Directive 2001/55/EC being implemented, the Fund shall also finance measures to help the Member States which are separate from and in addition to the actions referred to in Article 4.

1. In the event of temporary protection mechanisms within the meaning of Council Directive 2001/55/EC being implemented, the Fund shall also finance measures to help the Member States ***concerned*** which are separate from and in addition to the actions referred to in Article 4.

Justification

The provision on emergency measures applies only to those Member States concerned by the arrival of persons applying for temporary protection.

Amendment 21 Article 12, paragraph 4, point (b)

(b) organising and advertising calls for tenders and proposals;

(b) organising and advertising calls for tenders and proposals ***taking due account of the need for administrative simplification;***

Justification

A two-step approach could be envisaged in the organisation of calls for tender/proposals, whereby in the first stage of the procedure organisations are selected on the basis of a short description of the project and an estimate of its financial requirements.

Amendment 22 Article 12, paragraph 6 a (new)

The Responsible Authority shall call on a national advisory committee to define the objectives and priorities of the Fund and its general strategy. The advisory committee shall be composed of representatives of the

government, local authorities, voluntary organisations, social partners, the UNHCR and academic institutes.

Justification

Setting up advisory committees will strengthen the dialogue between Member States and other actors in the Fund, including voluntary organisations, when it comes to drafting multiannual programmes. This will make it possible first of all to develop a dialogue in countries which traditionally do not consult the voluntary sector very much and, secondly, to identify the needs of refugees better so as to reach a greater number of the target population.

Amendment 23

Article 14, paragraph 2, point (d)

(d) indication of whether this strategy is compatible with other regional, national and Community instruments;

(d) indication of whether this strategy is compatible **and complementary** with other regional, national and Community instruments;

Justification

When drawing up their multiannual programmes Member States should actively pursue complementarity between projects co-financed by the Fund and actions supported by other Community instruments.

Amendment 24

Article 16, paragraph 1

1. Each Member State shall receive a fixed amount of **€300.000** from the Fund's annual allocation. This amount shall be fixed at €500.000 per annum for 2005, 2006 and 2007 for the states which accede to the European Union on 1 May 2004.

1. Each Member State shall receive a fixed amount of **€150.000** from the Fund's annual allocation. This amount shall be fixed at €500.000 per annum for **a minimum of three consecutive years** for the states which accede to the European Union **from** 1 May 2004.

Justification

Under ERF I, the fixed amount allocated to Member States was been established on a diminishing scale: €500 000 in 2000, 400 000 in 2001, 300 000 in 2002, 200 000 in 2003 and 100 000 in 2004. There is no objective reason why this amount should be increased again in an arbitrary way. Consequently, it is proposed that it should be fixed at €150 000, that is the average for 2003 and 2004. The amount of €500 000 proposed for new members is maintained for the first three years, which gives them an overall fixed amount equivalent to

that received by the Member States that benefited from ERF I.

Amendment 25
Article 19, paragraph 3

3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by the Member States to the measures covered by this Decision.

3. Fund appropriations shall be complementary **and add value** to public or equivalent expenditure allocated by the Member States to the measures covered by this Decision.

Justification

In the Explanatory Memorandum (page 4) the Commission states that greater emphasis must be placed on the principle of added value of Community funding in conjunction with the development of a common asylum policy. .

Amendment 26
Article 19, paragraph 4, point (a)

(a) as regards actions implemented in the Member States under Articles 5, 6 and 7, 50% of the total cost of a specific action. This may be increased to 60% for **particularly innovative actions or** actions carried out by transnational partnerships, and to 75% in the Member States covered by the Cohesion Fund;

(a) as regards actions implemented in the Member States under Articles 5, 6 and 7, 50% of the total cost of a specific action. This may be increased to 60% for actions carried out by transnational partnerships, and to 75% in the Member States covered by the Cohesion Fund;

Justification

The concept of particularly innovative measures has been deleted. As it is unlikely to be determined by objective criteria, it gives the relevant Commission departments an arbitrary power to increase the rate of intervention (by an extra 10%), it is therefore preferable to earmark this increase for transnational projects, this criteria is both innovative and objective.

Amendment 27
Article 22, paragraph 3

3. A second pre-financing payment shall be made no more than three months after the Commission has approved a report on implementation of the annual work programme and a declaration of expenditure accounting for at least 70% of

3. A second pre-financing payment shall be made no more than three months after the Commission has approved a report on implementation of the annual work programme and a declaration of expenditure accounting for at least 70% of

the amount of the initial payment. The amount of the second pre-financing payment made by the Commission shall **not exceed 50% of the total amount allocated by the co-financing decision or, in any event,** the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.

the amount of the initial payment. The amount of the second pre-financing payment made by the Commission shall **be equal to** the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.

Justification

If the first pre-financing payment is automatic and amounts to 50% of the total amount allocated under the annual Commission decision, the second payment obviously cannot be more than 50%. The proposed wording is not only simpler but also clearer.

EXPLANATORY STATEMENT

I INTRODUCTION

L'article 63, paragraphe 2, point b, du traité instituant la Communauté européenne prévoit expressément la mise en œuvre de mesures « tendant à assurer un équilibre entre les efforts consentis par les Etats Membres pour accueillir des réfugiés et des personnes déplacées et supporter les conséquences de cet accueil ».

C'est pour mettre en œuvre cette disposition qu'à partir de 1997, le Parlement européen a soutenu l'inscription, dans le budget, de crédits relevant de trois lignes budgétaires distinctes, destinés à l'accueil des réfugiés, à leur intégration et à leur rapatriement volontaire. Dans le cadre de la procédure relative au budget 1999, la commission des libertés et des droits des citoyens, de la justice et des affaires intérieures, (à l'initiative de votre rapporteur), a franchi une étape décisive en exigeant un financement de ces trois domaines à partir d'une ligne budgétaire unique fondée sur une base juridique commune. Cette exigence s'est concrétisée lors de l'exercice budgétaire 2000 par la création d'une ligne budgétaire unique, sous le libellé : Fonds Européen pour les réfugiés. Le 28 septembre 2000, le Conseil a adopté une décision portant création du Fonds européen pour les réfugiés, fournissant ainsi au dispositif la base juridique nécessaire.

II Le F.E.R. I

Le Fonds européen pour les réfugiés première phase (F.E.R. I) a été créé pour une période de cinq ans, du 1er janvier 2000 au 31 décembre 2004. De l'avis général, le F.E.R. I a plutôt bien fonctionné. Il a fait l'objet d'une évaluation à mi-parcours (en 2003) et d'une consultation publique lors d'une conférence organisée par la Commission les 30 et 31 octobre 2003, au cours de laquelle plus de 350 participants, originaires des 15 Etats Membres et des 10 pays adhérents, tous activement impliqués dans la politique d'asile, ont procédé à une analyse critique de sa pertinence et de son efficacité.

Par ailleurs, la Commission a fait procéder à une étude d'impact approfondie (cfr document de travail des services de la Commission, SEC (2004) 161 du 12.02.2004). Cette étude d'impact très fouillée a, en particulier, mis en évidence la nécessité pour le Fonds de dépasser sa dimension « symbolique » en termes de solidarité communautaire, ce qui postule nécessairement une augmentation substantielle des moyens budgétaires mis à sa disposition. En effet, d'après les estimations tirées de l'évaluation à mi-parcours, les actions développées dans le cadre du F.E.R. I n'ont permis de toucher qu'environ 15% de la population cible en matière d'accueil, 10% en matière d'intégration et seulement 2% en matière de retour.

III Le F.E.R. II

3.1. Objectif

En conformité avec les dispositions pertinentes du Traité, le F.E.R. II, institué pour la période 2005-2010, a pour but « d'exprimer la solidarité entre la Communauté et les Etats Membres dans l'accueil des demandeurs d'asile (entre 350.000 et 400.000 par an), l'intégration des personnes bénéficiant de protection internationale dans l'UE (entre 50.000 et 100.000 par an)

et les actions favorisant les retours volontaires des personnes sans protection ou des demandeurs d'asile déboutés au terme de la procédure (entre 50 et 80% des cas).

L'objectif, à terme, est de faire en sorte que les actions du Fonds puissent bénéficier, en moyenne, à 30% des populations cibles.

3.2. Modifications du F.E.R. II, par rapport au F.E.R. I

1. Durée

Le F.E.R. II est institué pour une période de 6 ans, de 2005 à fin 2010.

2. Participants

Bien que les pays adhérents soient couverts dès 2004 par le F.E.R. I, leur véritable participation aux objectifs et à la gestion du F.E.R. II se fera en 2005. Par ailleurs, si la décision proposée s'applique au Royaume Uni et à l'Irlande en vertu de leurs notifications, elle ne lie pas le Danemark qui n'est pas soumis à son application.

3. Moyens budgétaires

La décision proposée prévoit deux phases :

- La première de 2005 à 2007, avec des montants alloués comparables, sur base annuelle, à ceux actuellement mis à disposition du F.E.R. I.
- La seconde, de 2008 à 2010, avec des crédits d'engagement indicatifs quasiment quadruplés par rapport aux crédits actuels.

Le coût total du programme (Fonds Européen des Réfugiés et Mesures d'urgence en cas d'afflux massif de réfugiés) est évalué à 687,48 millions d'Euros sur la période de 6 ans.

4. Contexte législatif

Le contexte législatif a été profondément modifié depuis la création du F.E.R. I en 2000. Aujourd'hui, il y a au moins 6 actes de droit dérivé établissant des normes communes en matière de politique d'asile qui vont devoir prendre effet dans les Etats Membres. Ce contexte législatif nouveau implique que le modus operandi du nouveau fonds tienne compte davantage des exigences « d'harmonisation » dans la gestion des systèmes d'asile.

5. Groupes cibles

La décision propose que les groupes cibles soient les mêmes que dans le F.E.R. I, en y ajoutant les personnes admises dans l'UE pour des raisons de protection internationale au titre de dispositifs de réinstallation. Si ce groupe n'était pas formellement exclu du F.E.R. I, il n'était pas expressément mentionné, ce qui prêtait à confusion.

6. Projets intégrés

Le F.E.R. II confirme les trois grands secteurs d'intervention du F.E.R. I :

- accueil et procédure d'asile
- intégration
- retours volontaires

Il innove toutefois, avec l'objectif de renforcer la cohérence de la politique d'asile, en permettant le cofinancement de projets couvrant en même temps deux ou tous les secteurs d'intervention.

7. Actions communautaires

Contrairement au F.E.R. I, qui n'avait prévu que 5% à cette fin, le F.E.R. II prévoit que 10% de la dotation totale allouée au Fonds peut servir à financer des actions spécifiquement communautaires, à l'initiative de la Commission. Ces actions communautaires pourront concerner la promotion des bonnes pratiques, le soutien à la mise en place de réseaux transnationaux, le soutien à des projets pilotes novateurs ou à l'utilisation des technologies de l'information et des communications.

8. Rôle plus stratégique de la Commission

Si le F.E.R. II confirme, à partir de l'évaluation critique du F.E.R. I, une délégation de certaines tâches de gestion, y compris d'exécution budgétaire, au niveau des Etats Membres, il renforce le rôle de la Commission, notamment en termes de planification et de mise en commun de l'information. C'est ainsi que la Commission sera chargée d'analyser et d'approuver les programmes pluriannuels présentés par les Etats Membres ainsi que les demandes annuelles de cofinancement.

9. Gestion et contrôle financiers

La délégation de tâches de gestion, y compris financière, à des Autorités responsables F.E.R. dans les Etats Membres, tient compte de l'entrée en vigueur de la nouvelle réglementation financière, en particulier de l'article 53 du Règlement financier et des articles 35.3 et 42.2.a) des Modalités d'Exécution du dit Règlement.

10. Critères de répartition des crédits

D'une manière générale, et s'appuyant sur les résultats des évaluations qui ont été réalisées, la Commission estime que les critères de répartition du F.E.R. I ne doivent pas être fondamentalement modifiés. Le dispositif retenu est le suivant :

1. sur le total des crédits mis à la disposition du Fonds, 10 % au maximum peuvent servir à financer, à l'initiative de la Commission, des actions communautaires ;
2. le reste des moyens disponibles est réparti entre les Etats membres, en deux parties :
 - une dotation fixe (300.000 €) identique pour tous, réserve faite de ce que, pendant les trois premières années, les nouveaux Etats membres recevront chacun annuellement 500.000 €

au titre de rattrapage ;

- une dotation variable calculée, à raison de 65 %, en fonction du nombre de demandeurs d'une des formes de protection mentionnées à l'article 3 et de bénéficiaires de protection temporaire et, à raison de 35 % en fonction du nombre de personnes bénéficiant du statut de réfugié, de protection internationale ou de protection subsidiaire.

Par ailleurs, le dispositif relatif aux mesures d'urgence est maintenu en l'état.

IV Position du rapporteur

C'est avec conviction que votre rapporteur recommande à la commission des libertés et des droits des citoyens, de la justice et des affaires intérieures, d'approuver la proposition de la Commission relative au F.E.R. II. A l'évidence, la Commission exécutive a procédé à une évaluation approfondie des objectifs, du fonctionnement et des résultats du F.E.R. I. A l'évidence également, elle a pris grand soin, sur le plan légistique, de formuler une proposition plus précise et plus structurée que la décision du Conseil du 28 septembre 2000 portant création du F.E.R. I. Les quelques amendements proposés par le rapporteur n'ont d'autre objectif que de renforcer cette précision et cette clarté.

30 March 2004

OPINION OF THE COMMITTEE ON BUDGETS

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

on the proposal for a Council decision establishing the European Refugee Fund for the period 2005-2010

(COM(2004) 102 – C5-0096/2004 – 2004/0032(CNS))

Draftswoman: Kathalijne Maria Buitenweg

PROCEDURE

The Committee on Budgets appointed Kathalijne Maria Buitenweg draftswoman at its meeting of 9 March 2004

It considered the draft opinion at its meeting of 30 March 2004.

At this meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn (chairman), Reimer Böge (vice-chairman), Kathalijne Maria Buitenweg (draftswoman), Den Dover, Bárbara Dührkop Dührkop, Salvador Garriga Polledo, Jutta D. Haug, Wilfried Kuckelkorn, Jan Mulder, Kyösti Tapio Virrankoski, Ralf Walter, Paul Rübig (for Ioannis Averoff) and Friedrich-Wilhelm Graefe zu Baringdorf (for Ian Stewart Hudghton).

SHORT JUSTIFICATION

Introduction

The European Refugee Fund (2000-2004) was launched in September 2000 following the introduction, under the Treaty of Amsterdam, of new competencies in the field of asylum policy. Its legal basis is Article 63 (2) (b) TEC which provides for measures "promoting a balance of efforts between Member States in receiving and bearing the consequences of receiving refugees and displaced persons". Parliament is merely consulted on the adoption of such measures.

The Fund covers measures relating to the reception, integration and *voluntary* return of refugees, asylum seekers and beneficiaries of subsidiary or temporary protection. Below are a breakdown of ERF Funds between Member States (2000-2003), a table detailing the degree of implementation of ERF projects, and

a graph outlining the percentage allocation between the three main types of measures.

The graph shows that Belgium, France and Italy spend almost all of their funds on reception measures, that Sweden and Finland spend a major part in integration and that, compared with other countries, the United Kingdom and Portugal have a relatively higher share of projects dealing with voluntary return.

Table 1 - Allocation of ERF funds between Member States 2000-2003

MEMBER STATE	2000	%	2001	%	2002	%	2003	%
Austria	912.382,09	3,80%	1.454.753,68	4,48%	1.938.106,21	4,53%	2.007.650,38	5,00%
Belgium	1.233.201,05	5,13%	1.869.724,55	5,76%	2.729.082,53	6,37%	2.381.191,60	5,93%
Finland	651.386,81	2,71%	673.605,72	2,07%	671.255,93	1,57%	524.730,29	1,31%
France	2.255.054,61	9,39%	3.156.227,73	9,72%	4.133.680,87	9,65%	5.067.825,42	12,62%
Germany	6.218.898,77	25,89%	8.391.364,30	25,84%	10.324.674,58	24,11%	9.935.791,60	24,74%
Greece	652.057,19	2,72%	629.043,03	1,94%	535.611,36	1,25%	439.481,17	1,09%
Ireland	632.205,18	2,63%	709.109,67	2,18%	965.573,27	2,25%	981.675,33	2,44%
Italy	1.956.104,78	8,15%	2.741.880,68	8,44%	3.460.943,09	8,08%	2.396.267,75	5,97%
Luxembourg	528.971,74	2,20%	481.073,21	1,48%	411.194,85	0,96%	299.703,18	0,75%
Netherlands	2.984.948,75	12,43%	3.642.649,54	11,21%	4.175.006,40	9,75%	3.239.737,01	8,07%
Portugal	534.238,01	2,22%	518.815,68	1,60%	457.005,68	1,07%	304.394,29	0,76%
Spain	745.290,55	3,10%	837.462,10	2,58%	933.063,85	2,18%	786.229,10	1,96%
Sweden	1.808.620,63	7,53%	2.555.672,05	7,87%	3.326.823,31	7,77%	2.869.672,23	7,15%
United Kingdom	2.902.639,84	12,09%	4.819.118,07	14,84%	8.764.928,09	20,47%	8.923.100,66	22,22%
Total Member States	24.016.000,00	100,00	32.480.500,01	100,00	42.826.950,02	100,00%	40.157.450,00	100,00%
Community Actions	1.264.000,00		1.709.500,00		2.254.050,00		2.113.550,00	
GRAND TOTAL	25.280.000,00		34.190.000,01		45.081.000,02		42.271.000,00	

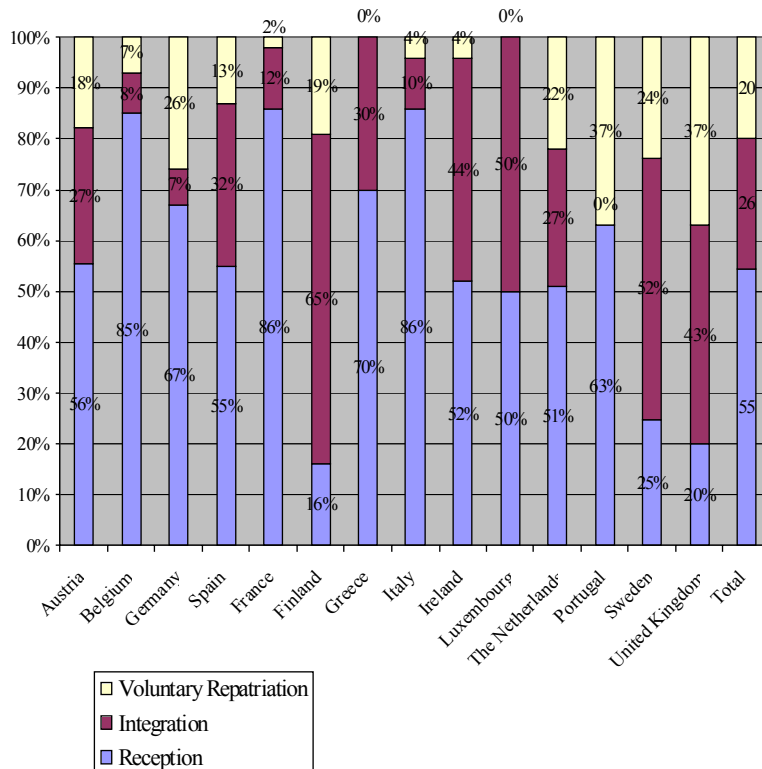
Source : European Commission

Table 2 - Planned versus implemented national EFR projects 2000-2002

	Reception		Integration		Voluntary Repatriation		TOTAL	
2000 planned	10,063,432	44%	6,615,955	29%	6,299,901	27%	22,979,328	100 %
2000 implemented	9,786,249	61%	3,655,296	23%	2,694,656	17%	16,136,204	70%
2001 planned	13,476,429	44%	8,790,838	28%	8,702,612	28%	30,969,880	100%
2001 implemented	14,007,848	54%	6,611,061	26%	5,284,491	20%	25,903,420	84%
2002 planned	19,428,829	48%	11,921,833	29%	9,547,842	23%	40,898,504	100%
2002 implemented*	19,764,540	52%	10,153,406	27%	7,942,548	21%	37,860,494	93%
Total planned	42,968,689	45%	27,328,667	29%	24,540,355	26%	94,837,712	100%
Total implemented	43,558,637	55%	20,419,783	24%	15,921,696	19%	79,900,116	84%

Source : PLS Ramboll Management A/S

Table 3 - Percentage allocation of the actual EU contributions towards measures, 2000-2002



Scope of the proposal

The present proposal aims at extending the Fund for a six-year period (2005-2010). It follows a extensive consultation of the partners involved, including an extended impact assessment, published separately¹. The Commission has incorporated into its proposal most of the recommendations made by NGOs, such as the introduction of multiannual programming, the allocation of more resources to Member States with less developed asylum systems, in particular the new Member States, and greater investment in the quality of asylum procedures, including the provision of legal counselling.

The main novelty of the proposal is the introduction of *multiannual programming*. Projects would continue to be financed on an annual basis but they would be part of a three-year strategy agreed between the Commission and the Member State concerned. The Commission would thus be able to ensure that actions co-financed by the Fund are in keeping with (and contribute to the implementation of) Community provisions in the field of asylum policy, notably Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. Member States would also be encouraged to develop a more integrated approach to the question of refugees in Europe.

A doubling (from 5% to 10% of the total financial envelope) of the resources allocated to *Community actions*, i.e. innovatory or transnational actions directly managed by the Commission, is also proposed, in line with the requests made by NGOs. The Commission thus wishes to promote best practice in the field of asylum policy.

Finally the Commission pleads in favour of a substantial increase in the *financial endowment* of the Fund. This increase would only take effect from 2008 and would be in line with the current proposal to create a separate heading for Justice and Home Affairs under the new Financial Perspective².

¹ SEC (2004) 161, 12.02.2004 - The Commission admits, however, that the extended impact assessment was carried out when decisions regarding the future shape of the Fund had already been taken.

² See Commission Communication "Building our common Future - Policy challenges and Budgetary means of the Enlarged Union 2007-2013" (COM(2004) 101).

Financial Statement

According to the Commission proposal the Fund would be resourced as follows¹:

Line 18 03 03 – European Refugee Fund

(€ million to three decimal places)

	(2004)	2005	2006	2007	2008	2009	2010	2011	Total
CA	(42.271)	44.538	49.542	60.000	150.000	150.000	150.000		604.080
PA	(43.541)	22.269	47.040	54.771	105.000	150.000	150.000	75.000	604.080

18 01 04 02 - Expenditure on administrative management

(€ million to three decimal places)

	(2004)	2005	2006	2007	2008	2009	2010	Total
CA	(0.656)	0.750	0.900	1.300	1.600	1.500	1.600	7.650
PA	(0.656)	0.750	0.900	1.300	1.600	1.500	1.600	7.650

The Fund foresees an emergency mechanism which is made available (for a maximum of 6 months and with a co-financing rate of 80%) whenever a Member State is confronted with a mass influx of displaced persons. The appropriations in this case are placed in the reserve.

Line 18 03 04 – Emergency measures in the event of mass influxes of refugees (*token entry*)

(€ million to three decimal places)

	(2004)	2005	2006	2007	2008	2009	2010	2011	Total
CA	(9.818)	9.000	9.000	9.800	9.800	9.800	9.800		57.200
PA	(9.818)	7.200	9.000	9.640	9.800	9.800	9.800	1.960	57.200

18 01 04 03 - Expenditure on administrative management (*token entry*)

(€ million to three decimal places)

	(2004)	2005	2006	2007	2008	2009	2010	Total
CA	(0.163)	0.180	0.180	0.200	0.200	0.200	0.200	1.160
PA	(0.163)	0.180	0.180	0.200	0.200	0.200	0.200	1.160

The Commission is aware of the fact that the above programming encroaches upon the new Financial Perspective and therefore suggests reviewing it in the context of the 2008 budgetary procedure (Article 2, paragraph 2).

¹ See Commission proposal, page 33 - appropriations approved by the budgetary authority for 2004 are provided for comparison purposes

Issues raised by the rapporteur

The European Refugee Fund is an important instrument in the field of asylum policy. It embodies the principle of financial solidarity enshrined in the EC Treaty and contributes to the implementation of a common asylum policy. Shared financial solidarity decreases the tendency by Member States to shift responsibility to their neighbours.

Your rapporteur is therefore strongly in favour of extending the Fund and considers that this is a major step forward in sharing responsibility in order to live up to international commitments. She hopes that the growth of the Refugee Fund can also be continued after 2010.

Nevertheless your rapporteur would like to draw attention to the following questions:

The principle of solidarity makes sense when Member States are confronted with massive influxes of refugees and displaced people; these are phenomena which are limited in time which could perhaps be catered for by means of emergency mechanisms rather than permanent financing structures.

One ought to consider whether the European Refugee Fund should continue to finance voluntary return measures once the forthcoming proposal for a Financial Instrument in the field of Return Management is adopted. At any rate, your rapporteur takes the view that a preparatory action in the field of forced returns, which is proposed by the Commission in its Communication on the Annual Policy Strategy and to which reference is made in the explanatory memorandum of the current proposal, is not the appropriate instrument to execute Member States' decisions in individual asylum cases, given that at present there are still considerable differences between Member States' asylum practices and legislations.

Finally, increased attention should be paid to the question of complementarity with other financial instruments, notably with actions co-financed by the European Social Fund, and its Community Initiative EQUAL, and the newly adopted Regulation on financial and technical assistance to third countries in the area of migration and asylum.

AMENDMENT TO THE LEGISLATIVE RESOLUTION

Amendment 1

[The European Parliament]

considers that the financial statement of the Commission proposal for the period 2005-2006 is compatible with the ceiling of heading 3 of the current Financial Perspective without restricting other policies; asks the Commission to reassess the appropriations for the period 2007-2010 in the light of the new Financial Perspective for the period commencing in 2007,

AMENDMENTS

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

Text proposed by the Commission¹

Amendments by Parliament

Amendment 2
Recital 3a (new)

The second phase of the Fund goes beyond the current Financial Perspective; a re-assessment of the Fund's financial endowment in view of its compatibility with the new financial framework is therefore required;

Justification

This is in line with the provisions foreseen in the Commission proposal itself. See also amendment 6.

Amendment 3
Recital 4

(4) It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons **and** to

(4)It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, to apply

¹ Not yet published in OJ.

apply fair and effective asylum procedures so as to protect the rights of persons requiring international protection and enable asylum systems to work smoothly.

fair and effective asylum procedures **and to promote best practice** so as to protect the rights of persons requiring international protection and enable asylum systems to work smoothly.

Justification

The decision establishing the new Fund should reflect the emphasis placed by the Commission on promoting best practice in the fields covered by EU asylum legislation. This would ensure better value for money and real additionality of Community action.

Amendment 4 Recital 13

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

Whilst it is appropriate to increase the fixed amount awarded to each Member State in order to contribute to improving their asylum system, it remains fair to allocate ***a large part of the*** resources proportionately to the burden on each Member State by reason of its efforts in receiving refugees and displaced persons.

Justification

The new text takes better account of the Commission proposal, in particular its Article 16.

Amendment 5 Article 1, paragraph 2

2. The purpose of the Fund shall be to support and encourage the efforts made by the Member States in receiving and bearing the consequences of receiving refugees and displaced persons, taking account of Community legislation in these matters by co-financing the actions provided for by this Decision.

2. The purpose of the Fund shall be to support and encourage the efforts made by the Member States in receiving and bearing the consequences of receiving refugees and displaced persons, taking ***due*** account of Community legislation in these matters by co-financing the actions provided for by this Decision ***and promoting best practice***.

Justification

See amendment 3 on recital 4; the amendment also brings the text in line with the provisions of Article 8 on Community Actions.

Amendment 6 Article 2, paragraph 2

2. In the context of the budgetary procedure for **2008**, the Commission shall indicate, by **1 May 2007** at the latest, whether the amount for **2008-2010** is **sufficient for** the new financial perspectives. If necessary, the Commission shall take steps in the course of the **2008-2010** budgetary procedures to ensure that the annual appropriations are consistent with the financial perspectives.

2. In the context of the budgetary procedure for **2007**, the Commission shall indicate, by **1 May 2006** at the latest, whether the amount **initially foreseen** for **the 2007-2010 period** is **compatible with** the new financial perspectives. If necessary, the Commission shall take steps in the course of the **2007-2010** budgetary procedures to ensure that the annual appropriations are consistent with the financial perspectives.

Justification

See justification to amendment 2; the revision of the overall financial endowment of the programme must take place before the entry into force of the new Financial Perspective.

Amendment 7 Article 4, paragraph 1, point (b)

(b) integration of persons referred to in Article 3 **whose stay in the Member State is of a lasting and/or stable nature;**

(b) integration of persons referred to in Article 3;

Justification

The target group for integration measures should not be more restrictive than the one mentioned under Article 3.

Amendment 8
Article 12, paragraph 4, point (b)

(b) organising and advertising calls for tenders and proposals;

(b) organising and advertising calls for tenders and proposals **taking due account of the need for administrative simplification**;

Justification

A two-step approach could be envisaged in the organisation of calls for tender/proposals, whereby in the first stage of the procedure organisations are selected on the basis of a short description of the project and an estimate of its financial requirements.

Amendment 9
Article 14, paragraph 2, point (d)

(d) indication of whether this strategy is compatible with other regional, national and Community instruments;

(d) indication of whether this strategy is compatible **and complementary** with other regional, national and Community instruments;

Justification

When drawing up their multiannual programmes Member States should actively pursue complementarity between projects co-financed by the Fund and actions supported by other Community instruments.

Amendment 10
Article 16, paragraph 1

Each Member State shall receive a fixed amount of €300.000 from the Fund's annual allocation. This amount shall be fixed at €500.000 per annum for **2005, 2006 and 2007** for the states which accede to the European Union **on** 1 May 2004.

Each Member State shall receive a fixed amount of €300.000 from the Fund's annual allocation. This amount shall be fixed at €500.000 per annum for **at least three consecutive years** for the states which accede to the European Union **as of** 1 May 2004.

Justification

The new text takes into account the possible accession of Bulgaria and Romania. It also grants the Commission the possibility to continue granting special support to new Member States beyond the three initial years..

Amendment 11
Article 19, paragraph 3

3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by the Member States to the measures covered by this Decision.

3. Fund appropriations shall be complementary **and add value** to public or equivalent expenditure allocated by the Member States to the measures covered by this Decision.

Justification

In the Explanatory Memorandum (page 4) the Commission states that greater emphasis must be placed on the principle of added value of Community funding in conjunction with the development of a common asylum policy. .