

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0280/2009

29.4.2009

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REPORT

on the 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 by removing funding for certain Community actions and altering the limit for funding such actions (COM(2009)0067 – C6-0070/2009 – 2009/0026(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Bárbara Dührkop Dührkop

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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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 by removing funding for certain Community actions and altering the limit for funding such actions
(COM(2009)0067 – C6-0070/2009 – 2009/0026(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0067),
 - having regard to Article 251(2) and Article 63(2)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0070/2009),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A6-0280/2009),
1. Approves the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

EXPLANATORY STATEMENT

The objective of the current proposal is to amend the Decision establishing the European Refugee Fund (ERF) for the period 2008 to 2013¹ having in view the creation of the European Asylum Support Office, which will have amongst its tasks certain operations that have until now been financed through the ERF: *furthering "Community cooperation in implementing Community law and good practices, including interpretation and translation services supporting such cooperation"*² and *"supporting the development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of asylum"*³.

Taking into account the need of enhancing practical cooperation activities linked to the Common European Asylum System (CEAS), the idea of establishing a structure destined to support and coordinate such activities has been raised on several occasions and fora: Presidency Conclusions of the Brussels European Council (4/5 November 2004),⁴ 2008 Commission Communication "Policy Plan on Asylum – An Integrated Approach to Protection across the EU",⁵ the European Pact on Immigration and Asylum of 24 September 2008.⁶ The European Parliament has also expressed its support for this initiative⁷ which could alleviate some of the current shortcomings of the system.

As mentioned above the European Asylum Support Office will be entrusted with a series of tasks currently included under the Community actions to be deployed under the heading of the ERF. This requires consequently the amendment of the ERF. Therefore, as the Commission has indicated in the explanatory memorandum accompanying the proposal, in order to take account of the reduction in the scope of these Community actions, the limit for funding them, laid down in Article 4(1) of the ERF Decision, will be reduced from 10% of the Fund's available resources to 4%. The financial envelope for implementing the ERF Decision has also been reduced to free up resources towards the funding of the Office. The amount of EUR 628 million, referred to in Article 12(1) of the ERF Decision, will be reduced to EUR 614 million (the new amount taking into account both the EUR 10 million increase decided by the budgetary authority in the 2009 budget and the EUR 24 million cut resulting from the reduction in the scope of the Community actions).

¹ 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, OJ L 144, 6.6.2007, p.1.

² Article 4(2)(a) Decision 573/2007/EC.

³ Article 4(2)(f) Decision 573/2007/EC.

⁴ 14292/1/04, p. 18.

⁵ Communication from the Commission to the EP, the Council, the European Economic and Social Committee and the Committee of Regions: Policy Plan on asylum, An integrated approach to protection across the EU - COM(2008)0360.

⁶ 13440/08, p. 11.

⁷ Catania Report on the future of the European Common Asylum System, P6_TA-PROV(2009)0087, para.23; Lambert Report on the Evaluation of the Dublin System, P6_TA-PROV(2008)0385, para.3; Pirker Report on practical cooperation, quality of decision-making in the common European asylum system, P6_TA(2007)0286, para. 15; Kudrycka Report -European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' P6_TA(2006)0581, para.9.

Your rapporteur supports this position which aims to ensure also a sound and rational allocation of budgetary resources and an optimal financing of practical cooperation on asylum matters.

23.4.2009

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the 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 by removing funding for certain Community actions and altering the limit for funding such actions

(COM(2009)0067 – C6-0070/2009 – 2009/0026(COD))

Rapporteur: Simon Busuttil

SHORT JUSTIFICATION

The objective of the proposal under consideration is to amend the Decision establishing the European Refugee Fund (ERF) for the period 2008 to 2013¹, with a view to the creation of the European Asylum Support Office, which will have amongst its tasks a number of operations that have, until now, been financed through the ERF

As a consequence of the reduction of the scope of the Community actions funded by the ERF, the Commission proposes to limit the funding of those Community actions from 10% to 4% of the Funds available for the ERF.

The effect of these reductions in the overall financial envelope of the ERF is its reduction from EUR 628 million, as originally foreseen, to EUR 614 million, which means a reduction of EUR 24 millions if one takes into consideration the increase of EUR 10 million that had been decided by the budgetary authority in the 2009 budget.

The EUR 24 million made available by this modification of the ERF Decision will, according to the Commission, be used to finance a part of the activities of the EASO and to supplement the funds which will be allocated to the office. However, although this is also mentioned in the financial statement accompanying the draft regulation on the establishment of EASO, the Commission has not yet taken it into consideration in the financial programming. The

¹ 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 (OJ L 144, 6.6.2007, p. 1).

rapporteur expects that the financial programming accompanying the preliminary draft budget will already give a full picture of the modifications resulting from this proposal and the one concerning the creation of EASO.

In this context, the rapporteur, who agrees with the creation of the EASO, considers that the proposal has no negative consequences in financial terms (its significance in terms of financial programming seems to be neutral, as the sums made available will be used in another line under Heading 3a), and recommends that the Committee on Budgets deliver a favourable opinion.

CONCLUSION

Taking these elements into consideration, the Committee on Budgets informs the Committee on Civil Liberties, Justice and Home Affairs that, from a budgetary point of view, it sees no obstacles to the adoption of the 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.

PROCEDURE

Title	European Refugee Fund for the period 2008-2013 (amendment of Decision No 573/2007/EC)
References	COM(2009)0067 – C6-0070/2009 – 2009/0026(COD)
Committee responsible	LIBE
Opinion by Date announced in plenary	BUDG 9.3.2009
Rapporteur Date appointed	Simon Busuttil 11.3.2009
Discussed in committee	22.4.2009
Date adopted	22.4.2009
Result of final vote	+ : 36 - : 0 0 : 0
Members present for the final vote	Reimer Böge, Costas Botopoulos, Paulo Casaca, Vasilica Viorica Dăncilă, Brigitte Douay, Göran Färm, Szabolcs Fazakas, Vicente Miguel Garcés Ramón, Salvador Garriga Polledo, Ingeborg Gräßle, Nathalie Griesbeck, Catherine Guy-Quint, Jutta Haug, Ville Itälä, Anne E. Jensen, Alain Lamassoure, Janusz Lewandowski, Liene Liepiņa, Vladimír Maňka, Mario Mauro, Jan Mulder, Gianni Pittella, Margaritis Schinas, Esko Seppänen, László Surján, Gary Titley, Helga Trüpel
Substitute(s) present for the final vote	Michael Gahler, Marusya Ivanova Lyubcheva, José Javier Pomés Ruiz, Paul Rübig, Peter Šťastný
Substitute(s) under Rule 178(2) present for the final vote	Erna Hennicot-Schoepges, Astrid Lulling, Manolis Mavrommatis, Jean Spautz

PROCEDURE

Title	European Refugee Fund for the period 2008-2013 (amendment of Decision No 573/2007/EC)		
References	COM(2009)0067 – C6-0070/2009 – 2009/0026(COD)		
Date submitted to Parliament	18.2.2009		
Committee responsible Date announced in plenary	LIBE 9.3.2009		
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 9.3.2009		
Rapporteur(s) Date appointed	Bárbara Dührkop Dührkop 5.3.2009		
Discussed in committee	16.3.2009	16.4.2009	27.4.2009
Date adopted	27.4.2009		
Result of final vote	+: 31	–: 0	0: 0
Members present for the final vote	Emine Bozkurt, Mihael Brejc, Michael Cashman, Carlos Coelho, Panayiotis Demetriou, Gérard Deprez, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Kinga Gál, Roland Gewalt, Jeanine Hennis-Plasschaert, Roselyne Lefrançois, Claude Moraes, Vladimir Urutchev		
Substitute(s) present for the final vote	Simon Busuttil, Elisabetta Gardini, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Jean Lambert, Antonio Masip Hidalgo, Nicolae Vlad Popa		
Substitute(s) under Rule 178(2) present for the final vote	Margrete Auken, Mariela Velichkova Baeva, Carmen Fraga Estévez, Anne E. Jensen, Helmuth Markov, Manolis Mavrommatis, Alexandru Nazare, Willem Schuth, Gabriele Zimmer		