



2018/0371(COD)

7.11.2018

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes
(COM(2018)0719 – C8-0448/2018 – 2018/0371(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 amending Regulation (EU) No 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes (COM(2018)0719 – C8-0448/2018 – 2018/0371(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0719),
 - having regard to Article 294(2) and Articles 78(2) and 79(2) and (4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0448/2018),
 - 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),
- A. Whereas for reasons of urgency it is justified to proceed to the vote before the expiry of the deadline of eight weeks laid down in Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality;
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 Recital 4

Text proposed by the Commission

(4) Member States should have the possibility to use the above-mentioned amounts to continue implementing relocation by re-committing the amounts to the same action in the national programmes. ***In addition***, it should be possible, duly justified in the revision of Member States' national programmes, to use this funding also to address other challenges in the area of migration and asylum, in line with the Asylum, Migration and Integration Fund Regulation. Member States' needs in ***these*** areas remain significant. Re-commitments of the above-mentioned amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission.

Amendment

(4) Member States should have the possibility to use the above-mentioned amounts to continue implementing relocation by re-committing the amounts to the same action in the national programmes. ***As a minimum, Member States should re-commit 20% of those amounts to the same action in the national programme. For the remainder of those amounts***, it should be possible, ***where*** duly justified in the revision of Member States' national programmes, to use this funding also to address other challenges in the area of migration and asylum, in line with the Asylum, Migration and Integration Fund Regulation. ***In that regard, at least 20% of the amount transferred to other actions should be used for the objective of strengthening and developing all aspects of the Common European Asylum System and at least 20% of the amount transferred to other actions should be used for the objective of supporting legal migration to the Member States and promoting the effective integration of third-country nationals.*** Member States' needs in ***those*** areas remain significant. Re-commitments of the above-mentioned amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission

Or. en

Amendment 2

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The Commission should report annually to the European Parliament and to the Council as regards the application of resources for the transfer of applicants for international protection and of beneficiaries of international protection, in particular as regards transfers to other actions under the national programme and re-commitments.

Or. en

Amendment 3

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Without amendment of Regulation (EU) No 516/2014 before the end of 2018, the relevant funding will no longer be available for Member States' use under the national programmes supported by the Asylum, Migration and Integration Fund. Given the urgency of amending Regulation (EU) No 516/2014, it is appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

Or. en

Amendment 4

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Regulation (EU) No 516/2014

Article 18 – title

Present text

Resources for the transfer of beneficiaries of international protection

Amendment

(-1) The title is replaced by the following:

"Resources for the transfer of **applicants for international protection or of** beneficiaries of international protection";

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 516/2014

Article 18 – paragraph 3

Text proposed by the Commission

3. The additional amounts referred to in paragraph 1 of this Article shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014 and later in a financing decision to be annexed to the decision approving their national programme. Re-commitments of those amounts to the same action under the national programme or transfers thereof to other actions under the national programme shall be possible where duly justified in the revision of the respective national programme. An amount may only be re-committed or transferred once. The Commission shall approve the re-commitment or transfer through the

Amendment

3. The additional amounts referred to in paragraph 1 of this Article shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014 and later in a financing decision to be annexed to the decision approving their national programme. Re-commitments of those amounts to the same action under the national programme or transfers thereof to other actions under the national programme shall be possible where duly justified in the revision of the respective national programme. An amount may only be re-committed or transferred once. The Commission shall approve the re-commitment or transfer through the

revision of the national programme.

revision of the national programme.

In respect of amounts stemming from the provisional measures established by Decisions (EU) No 2015/1523 and (EU) No 2015/1601, at least 20% of the amounts to be re-committed shall be re-committed to the same action under the national programme. For amounts to be transferred to other actions under the national programme, at least 20% of the amount transferred shall be allocated to the specific objective referred to in point (a) of the first subparagraph of Article 3(2), and at least 20% to the specific objective referred to in point (b) of the first subparagraph of Article 3(2).

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)

Amendment 6

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) No 516/2014

Article 18 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3 c. *The Commission shall report annually to the European Parliament and to the Council on the application of this Article, in particular as regards the transfers of amounts to other actions under national programmes and re-commitments.*

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)

EXPLANATORY STATEMENT

Following the migratory crisis of 2015, a total of EUR 843 million from the Asylum, Migration and Integration Fund were committed towards the relocation of persons in need of international protection from Greece and Italy, to other Member States. According to decommitment rules, payments should have been made on these relocation commitments by the end of 2018. Out of those EUR 843 million, well over EUR 500 million are still available.

The Rapporteur is of the opinion that the money allocated for relocation purposes should be recommitted for further utilisation under AMIF, including for relocation. Member States who are willing to continue relocating persons in need of international protection should not be discouraged from doing so. Additionally, these amounts should support Member States' actions towards the strengthening and development of the Common European Asylum System as well as to support legal migration and promote the effective integration of third-country nationals.